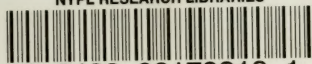


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# AMERICAN DEMOCRACY

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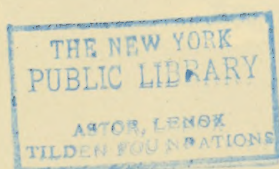
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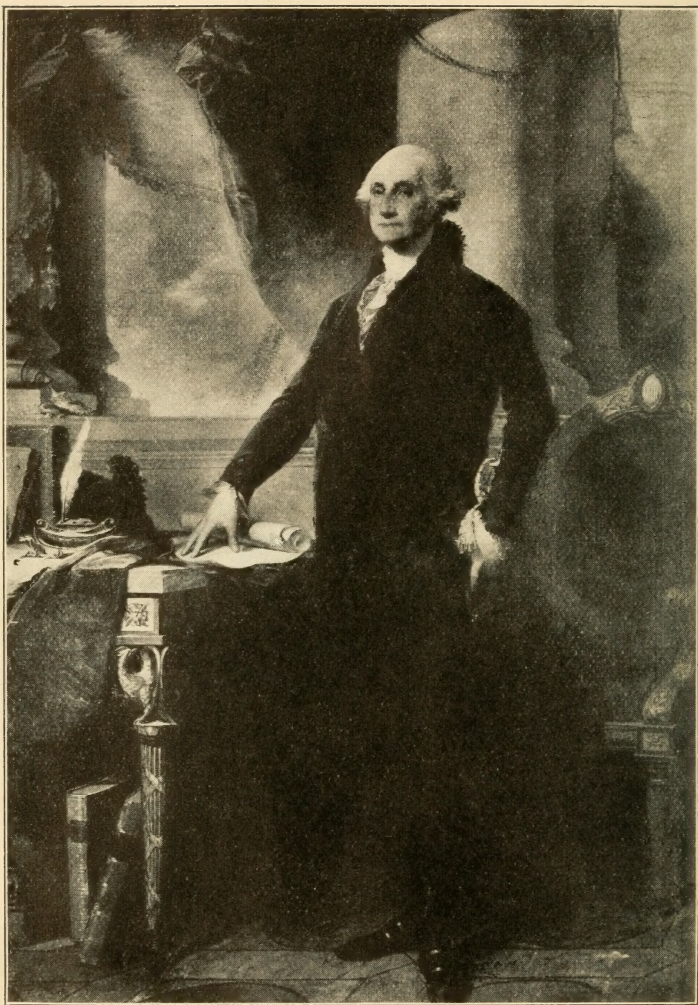












GEORGE WASHINGTON  
From the portrait by Stuart.

*"The basis of our political systems is the right of the people to make and to alter their constitutions of government."* — From the FAREWELL ADDRESS.

THE STORY  
OF  
AMERICAN DEMOCRACY  
POLITICAL AND INDUSTRIAL

BY

WILLIS MASON WEST

Sometime Professor of History in the University of Minnesota;  
Author of *The American People*, *American History and Government*, *The War and the New Age*, *Modern Progress*



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“Who cometh over the hills,  
Her garments with morning sweet,  
The dance of a thousand rills  
Making music before her feet?  
Her presence freshens the air;  
Sunshine steals light from her face;  
The leaden footstep of Care  
Leaps to the tune of her pace.  
Fairness of all that is fair,  
Grace at the heart of all grace,  
Sweetener of hut and of hall,  
Bringer of life out of naught,  
FREEDOM, O fairest of all  
The daughters of Time and Thought!”



## FOREWORD

I TRY here to present in one volume a readable story of American history with particular reference to the constant struggle for democracy in society, politics, and industry. So compact a treatment ought not to be encumbered with bristling footnotes or bibliographies; and so the general accuracy of the treatment will have to be vouched for by the standing of my text-books in the same field, — *The American People* and *American History and Government*.

The older historians used to close their narratives at a date somewhat remote from that of their own labors, — “pulling up abruptly” (in the words of Mr. H. G. Wells) as they approached contemporary history “as though they had suddenly come upon something indelicate.” While I have been toiling over the concluding chapters of this volume, my respect for that judicious procedure has been unexpectedly enhanced. On so recent a period as the years since the World War the most impartial conclusions are at the mercy of fresh evidence daily to be expected. I can only trust that the reader will not disagree with my troubled decision that to attempt that difficult period in such a work as this was worth while, even at the possible cost of serious imperfections.

WILLIS MASON WEST

WINDAGO FARM

January 1, 1922





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# THE STORY OF AMERICAN DEMOCRACY

## PART I — THE ENGLISH IN AMERICA

### CHAPTER I

#### WHAT THE ENGLISH FOUND

AMERICAN freedom has its roots deep in the story of England. In that island, comparatively free from peril of despotic conquest from abroad, was first wrought out for the world the beginning of constitutional liberty.

“Lance and torch and tumult, steel and gray-goose wing,  
Wrenched it, inch and ell and all, slowly from the king.”

So, at a price, in the field, on the scaffold, in the dungeon, and in the harder martyrdoms of broken lives and ruined homes, did Englishmen through heroic centuries work out the union of a strong government and free institutions.

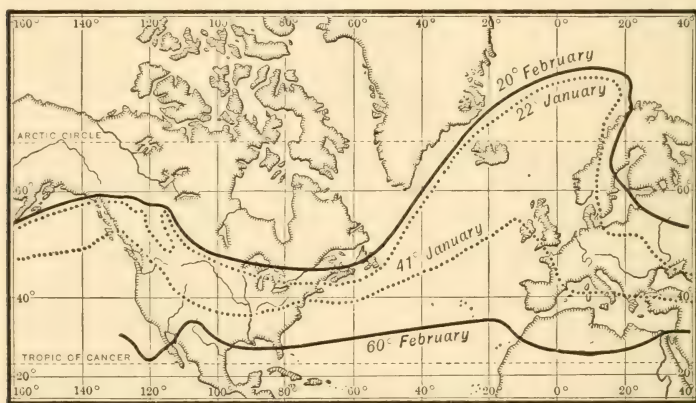
The story of colonial America is the story of transplanting those institutions by Englishmen of the day of Elizabeth and Shakspeare to our new continent for a still freer growth. Many other peoples soon began to play each its indispensable part in making this composite nation. Even in the closing colonial period, Frenchman, Dutchman, German, gave us much of our blood and our thought; and, later still, Norseman, Irishman, and finally Slav and Latin, besides their contributions in music and art, have made the sinew of our

The Eng-  
lish roots  
of American  
freedom

national life. But the forces that have shaped that life — the institution-building forces — were supplied by the early English settlers.

American history has no primitive period. The earliest colonists had command enough over nature not to be controlled by her to any such degree as were the early Greeks or Latins or the primitive English in their old home. Nature has counted for less, and man for more, than in Old-World history. Moreover, our *early history has to do with the Appalachian coast only*, and that fringe of the continent is more like the

Geographical influences: climate



Lines of Equal Temperature in America and Europe.

European homes of the early colonists than is any other large district in America. The lives of the English settlers were far less changed by removal thither than if they had colonized the Mississippi valley or the Pacific coast.

But the Appalachian coast does differ from the European coast of the Atlantic in two matters that vitally influenced colonization. In the first place, *the summers are hotter and the winters colder than in Europe*. Unexpected fevers in one season, and unforeseen freezing in the other, ruined more than one attempt at settlement. Captain George Weymouth explored

Climate of the Appalachian district

the region near the mouth of the Kennebec *in the spring* of 1605, and brought back to England glowing reports of a balmy climate "like that of southern France"; but the colonists who, trusting to this account, tried to settle there a little later, suffered cruelly from a winter like that of Norway. *Then, too, as one goes from north to south, the climate changes more swiftly in America than in Europe.* In their settlements, between Maine and Florida, English colonists encountered climates as different as they would have found in the Old World if they had spread out from Norway to Morocco — many times the variation they had known in the home island.

Owing to differences in soil, as well as to this variation in climate, *the natural products varied greatly from north to south.* The rich lands of the south were suited to the cultivation of tobacco or rice or cotton, in large tracts, by slaves or bond servants. The middle district could raise foodstuffs on a large scale. The north was less fertile: farming was not profitable except in small holdings with trustworthy "help"; but the pine and oak forests of that region, its harbors, and the fish in its seas, invited to lumbering, shipbuilding, commerce, and fishing. Each section had its distinct set of industries, and so came to have its peculiar habits of living. Virginia Englishman and New England Englishman grew apart in life and character.

Varying  
occupations  
from north  
to south

In our day these tendencies to sectionalism are vanquished by constant intercourse and by the amazing fluidity of our population. Of three brothers born in Minnesota forty years ago, one lives in New Orleans, one in San Francisco, the third in Boston; and the three meet in occasional visits of business or friendship. But nothing of this was known to the colonial period. *Communication from north to south was difficult.* Colony was divided from colony, or groups of colonies were divided from one another, by arms of the sea. Even when two colonies lay side by side without intervening bays, there were still no roads running from one to the other. The only highways

Difficulty  
of com-  
munication



were the rivers, flowing from the mountains to the sea, and as a rule, a colony found it about as convenient to communicate with England as with its neighbor on either side.

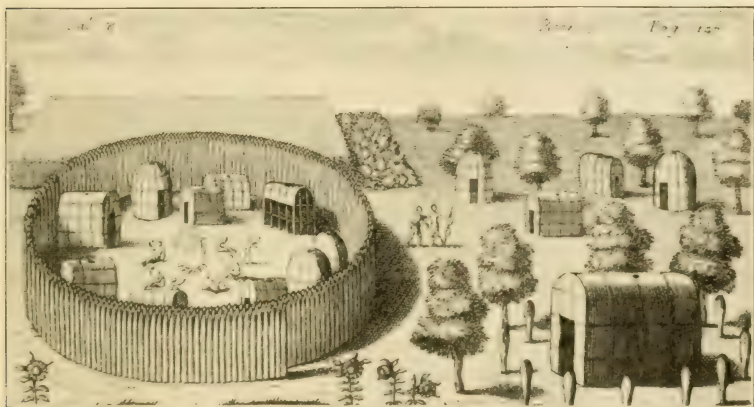
But geography did give the English colonists two advantages over their European rivals in America. *Their territory was both more accessible and more compact*

*English advantages: compact and accessible territory* *than that held by France or Spain.* We sometimes speak of the vast inland valleys of the St. Lawrence and the Mississippi, where the French cast their fortunes, as "gateways to the continent"; and so they are — to the interior. But in the early days men did not care to go far into the interior. They liked better the fringe of the continent, where they could keep touch with the old home. Moreover, in the age before steamships, vessels could hardly ascend the Mississippi above New Orleans, because of the swift current and countless snags and bars, and much of the year the St. Lawrence was ice-locked; but the strip of coast colonized by England, between the Appalachians and the sea, had countless little harbors easily open to the small sailing vessels of that day. On the other hand, when once small bands of French and Spaniards had won their way to the interior, they spread themselves out too fast — faster than their strength justified. But the rugged Appalachians, singularly impassable for such low mountains, covered as they were with forests tangled with underbrush and vines, kept the English colonists from scattering too hastily. It was easier for the English than for the others to get into America; and, after they got there, it was not so easy for them to weaken themselves by dis-

*The native "Indians"* *persing too widely.* True, four rivers broke the Appalachian wall — the Potomac, Delaware, Susquehanna, and Hudson-Mohawk; but, without more engineering skill than that age possessed, only the Mohawk could be used as a road to the inner country — and that route was closed by the formidable Iroquois.

*The distribution of the natives reinforced the geographical influence.* We have little accurate knowledge about the num-

bers of the natives; but it is certain that those east of the Mississippi did not exceed 200,000. Many a single city in that district to-day contains more people than dwelt in all the continent, north of Mexico, when Europeans first touched its shores. Three groups of Indian peoples held the country between the Mississippi and the Atlantic. *The Gulf Tribes* (Choctaws, Seminoles, Creeks) had made the most progress toward civilization; but they were too far south and west to affect White settlement much until the beginnings of



AN ALGONKIN VILLAGE. From Beverly's *History of Virginia* (1701); based on a picture by John White (one of Raleigh's colonists) in 1585, now in the British Museum. The palisades must have been twelve feet high. Probably a spring of water was found inside. The fields of corn and tobacco in the rear were common property. Ceremonial dances were held within the circle of posts about the "lodge" in the foreground.

Georgia and Tennessee, almost at the end of the colonial period. *The roaming Algonkins* were the largest group, but also the weakest and least civilized. Numbering from 75,000 to 100,000 souls, — thinly scattered in petty, mutually hostile tribes, — they "haunted rather than inhabited a vast hunting preserve" stretching from the Atlantic to the Mississippi and from the Ohio to the far north. They included the Powhatans, Delawares, Narragansetts, Pequods, Mohegans, and indeed nearly all the tribes with which the early English settlers came in con-

tact. The third group, the *Iroquois Confederacy*, was the strongest native power for war. They numbered about 10,000, and lived in compact, fortified villages in what is now western New York.

*In South and Central America the Spaniards had to deal only with races gentler than any of these North American Indians. So the Spaniards overran the continent faster than they could occupy it. Their rule, too, was built upon the slavery of the natives, and the conquerors mixed their blood with this enslaved population until their own nationality was lost. In the north, the French came into conflict with the formidable Iroquois, and deadly blows from this fierce confederacy did much to prevent French mastery in America. The English, in their time of weakness, touched only the Algonkins, who could not seriously imperil their settlement. At the same time the Algonkins were untameable, and so the English did not mix blood with them. And they were dangerous enough to scattered settlements to help keep the English colonies fairly compact. This compact settlement gave opportunity for truer civilization and for more division of labor and consequent industrial progress, and made it easier for the colonies to unite against England when the time came. The natives, like nature, seeming unkind to the English settler, were really kinder to him than to his rivals.*

In various ways, too, the Indians aided English colonization directly. They furnished the first settlements with the "Indian corn" that warded off starvation; and soon they taught the settlers to plant both corn (maize) and tobacco — the two native products of supreme value in the early period. Maize was long the main food supply. European grains failed in the new climate season after season, while the colonist was learning the new conditions. Moreover, to clear and prepare the soil for wheat or barley took much time. Maize was a surer crop and needed less toil. The colonist learned from the Indian to raise it, at need, without even clearing the forest,

And their  
influence on  
colonization

"Indian  
corn" and  
tobacco



— merely girdling the trees to kill the foliage, and planting among the standing trunks. It was no accident that this Indian grain came to be called “corn,” the general name for European grains. Tobacco the colonist exchanged for European goods. If Indian corn enabled him to live through the first hard years, it was tobacco that first made him rich.

Nor do these gifts tell the whole story of the European settlers’ debt to the natives. Colonies too far north to raise tobacco found their first wealth in furs, obtained mainly from native hunters. Indian wampum at times made an important part of colonial money. Forest trails, worn into deep paths by the feet of generations of Redmen, became highways for White travel. The New York Central Railroad follows the old Iroquois trail from Lake Erie to the Hudson; and in Minneapolis one of the finest streets (Hennepin Avenue) is an ancient Indian trail from the neighboring Lake Harriet to the Mississippi just above the Falls of St. Anthony. Water routes, too, discovered by native pilots in birch canoes, were adopted by White traders. And stations for the exchange of furs, where certain trails and waterways joined, became the sites of mighty cities like Milwaukee, Chicago, St. Louis, Detroit, and Duluth.

Other contributions  
from the  
natives

Spain was first in the field in American colonization. During the crusades, Europe had learned to depend on Asiatic spices, sugars, cottons, silks, and metal-  
wares, as luxuries and even as daily necessities. Spain in America  
For two hundred years a vast caravan trade had brought these articles, in a steady stream, from central Asia to the eastern shores of the Mediterranean; but in the fifteenth century the rise of Turkish barbarians in Asia Minor closed this route. Europe, just then awaking from the long torpor of the Middle Ages, and astir with new impulses, eagerly sought new trade routes into Asia. Portugal found one, to the south, around Africa. Columbus, aided by the Spanish Isabella, tried a still bolder western road — and stumbled on America in his path.

This discovery marked the close of the fifteenth century. The next century in the New World was Spain's. The story of her conquests is a tale of heroic endeavor, marred by revolting ferocity. The details, as an old Spanish chronicler said, are "all horrid transactions, nothing pleasant in any of them." Not till twenty years after the discovery did the Spaniards advance to the mainland for settlement; but, once begun, her handfuls of adventurers swooped swiftly north and south. By 1550, she held not only all



COLUMBUS AT THE COURT OF FERDINAND AND ISABELLA. From the painting by Brozik in the Metropolitan Museum in New York City.

South America (save Portugal's Brazil), but also all Central America, Mexico, the Californias far up the Pacific coast, and the Floridas. The gold from Mexico and Peru helped to give Spain her proud place as the most powerful country in Europe through most of the sixteenth century; and she guarded her American possessions jealously. The Gulf of Mexico and the Caribbean were Spanish lakes, and the whole Pacific was a "closed sea." Frenchman or Englishman, caught upon those waters, was given a grave beneath them.



Nor was Spain content with even this huge empire on land and sea. She planned grandly to occupy the Mississippi valley and the Appalachian slope in America, and to seize Holland and England in Europe. But, in 1588, she received a fatal check when the gallant English "sea dogs" destroyed her "Invincible Armada" in that wonderful nine-days sea fight. That victory did more than merely save England: it marked a turning point in World history. Spain never recovered her old supremacy upon the sea, and so other European peoples were left free to try their fortunes in America.

For a time France seemed most likely to succeed Spain as mistress of North America. A quarter of a century went to exploration and failures. Then, in 1608, Champlain founded a French colony at Quebec. Soon, canoe fleets of traders and missionaries were coasting the shores of the Great Lakes and establishing French stations there at points still known by French names. Finally, in 1682, after years of splendid effort, La Salle succeeded in following the Mississippi to the Gulf, setting up a French claim to the entire valley. In later years New France consisted of the colony on the St. Lawrence, in the far north, and the semi-tropical colony of New Orleans, joined to each other, along the interior waterways, by a slight chain of trading posts and military stations — Detroit, Sault Ste Marie, Vincennes, Kaskaskia, St. Louis, and the like.

From the beginning of this colonization, it was plain that *France and England were the real rivals* for the control of eastern North America. The open struggle between them began in 1689, and lasted some seventy years in a series of wars, until France was thrust out of the continent in 1763.

It is easy to point out certain *French advantages*. At home French statesmen worked steadily to build a French empire in America, while the English government ignored English colonies. The thought of such an empire, too, inspired French explorers in the wilderness, —

splendid patriots like Champlain, Ribault, and La Salle. France also sent forth the most zealous of missionaries, like the heroic Marquette, to convert the savages. These two mighty motives, patriotism and missionary zeal, played a greater part in founding New France than in establishing either Spanish or English colonies. Moreover, the French could deal with the natives better than the less sympathetic English could, and their leaders were men of far-reaching views.

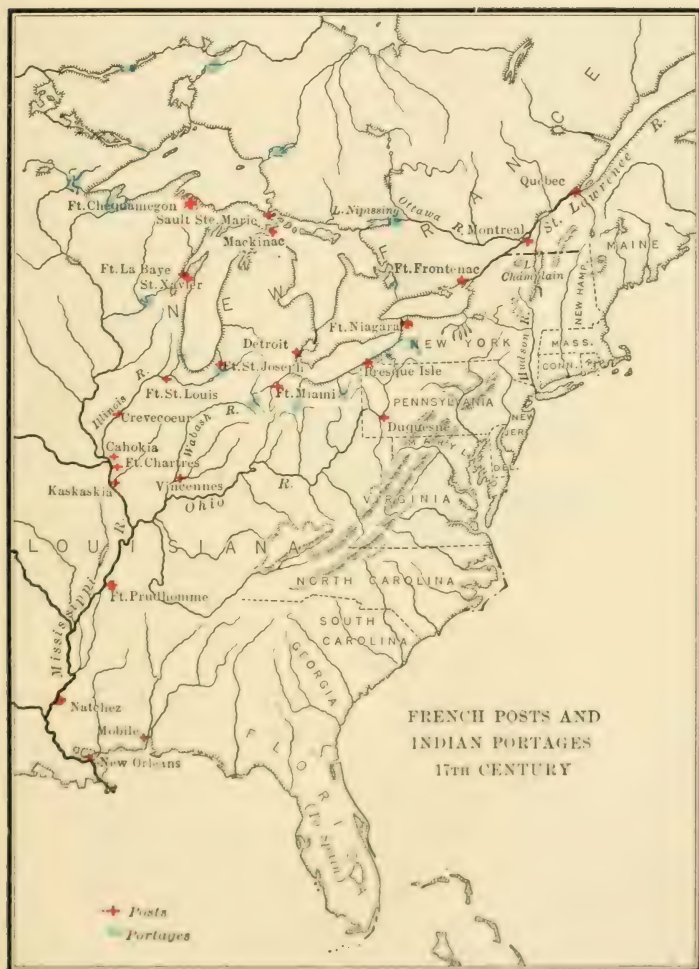


CHAMPLAIN'S FIGHT WITH THE IROQUOIS, on the shores of Lake Champlain. From *Les Voyages du Sieur de Champlain* (Paris, 1613), the volume in which this lake is first given Champlain's name.

Why, then, did France fail?

The chief external cause was the relentless hatred of the Iroquois. Curiously enough, it was the ability of the French to make friends with the natives, which brought upon them this terrible scourge. Champlain came first in touch with Algonkin tribes, and won their friendship. He accompanied these allies on the warpath against the Iroquois,—and so made the Iroquois foes to New France. (1) *The Iroquois annihilated the Huron Indians*, whom French missionaries, after many heroic martyrdoms, had christianized, and upon whom the French had hoped to

The Iroquois  
and the  
French







build a native civilization. (2) *At times they struck terrible blows at New France itself.* (3) *They shielded the English colonies,* during their weakness, from French attack. The French in Canada could strike at the English only by way of the route followed later by Burgoyne. Everywhere else the wilderness between Canada and the English settlements was impassable except by prowling bands; and this one route was guarded by the Iroquois. (4) *They changed the whole course of French exploration,* turning it to the north.

The home of the confederacy in western New York was "the military key to the eastern half of the continent," as Winfield Scott called it, and Ulysses S. Grant afterward. It commanded the headwaters of the Delaware, Susquehanna, and Mohawk-Hudson system, and the portage at Niagara from Erie to Ontario, as well as part of the headwaters of the Ohio. The French leaders had keen eyes for military geography and would certainly have seized this position at any cost, if they had been able to learn its character. They would then have fortified the Ohio by a chain of posts, as they did their other waterways; and this would have buttressed their position on the Mississippi and the Lakes so as to defy attack.

But the French did not suspect the importance of the Ohio valley until too late. Montreal was founded in 1611; but, instead of reaching the interior from there by the upper St. Lawrence and Lake Erie, French traders turned up the Ottawa, so as to avoid the Iroquois, and reached Lake Huron by portage from Nipissing. Lake Erie was the last, instead of the first, of the Lakes to be explored. It was practically unused until after 1700, and the country to the south remained unknown even longer. Navigation was by fleets of canoes, which had to land frequently. Thus, because of the Iroquois, the French could not follow the southern shore, or use the portage at Niagara. When they awakened to the value of the Ohio valley, English traders had begun to push into it, with cheaper goods; and the opportunity for France was already lost. England's industrial superiority over

French  
colonization  
diverted  
from the  
Ohio valley



France, let us note in passing, was one factor in winning America. After 1725 that superiority was marked.

*Inherent weaknesses in French colonization*, however, were the fundamental cause of French failure.

1. *New France was not a country of homes or of agriculture.* Except for a few leaders and the missionaries, the

**Inherent causes of French failure: lack of homes** settlers were either unprogressive peasants or reckless adventurers. For the most part they did not bring families, and they remained unmarried or chose Indian wives. Agriculture was the only basis for a permanent colony; but

these colonists did not take to any regular labor. Instead, they turned to trapping and the fur trade, and tended to adopt Indian habits. The French government in Europe sought in vain to remedy this by sending over cargoes of "king's girls," and by offering bonuses for early marriages and large families. But even with this fostering, French colonization did not produce numbers. In 1754, when the final struggle for the American continent began, France had three times as many people as England had, but in America she had only a twentieth as many colonists.

2. *Paternalism smothered private enterprise.* In all industries, New France was taught to depend upon the aid

**Paternalism in industry** and direction of a government three thousand miles away. Aid was constantly asked from the king. "Send us money to build storehouses," ran the begging letters of Canadian officials; "Send us a teacher to make sailors"; "We want a surgeon"; and so, at various times, requests for brickmakers, ironworkers, pilots, and other skilled workers. Such requests were usually granted; but New France did not learn to walk alone. The rulers did much; but the people did little.

3. *Political life was lacking.* In the seventeenth century France itself was a centralized despotism; and in New

**Lack of political life** France (to use the phrase of Tocqueville) "this deformity was seen magnified as through a microscope." No public meetings were permitted without a special license; and such meetings, when held, could do nothing

worth while. All sorts of matters, even the regulation of inns and of pew rent, the order in which people should sit in church, the keeping of dogs and of cattle, the pay of chimney sweeps, were settled by ordinances of the governors at Quebec, who were sent over by the French king. "It is of the greatest importance," wrote one official, "that the people should not be at liberty to speak their minds."

And the people had no minds to speak. In 1672, Frontenac, the greatest governor of New France, tried to introduce the elements of self-government. He provided a system of "estates" to advise with him, — a gathering of clergy, nobles, and commons (citizens and merchants); and he ordered that Quebec should have a sort of town meeting twice a year to elect aldermen and to discuss public business. But the home government sternly disapproved all this, directing Frontenac to remember that it was "proper that each should speak for himself, and no one for the whole." The plan fell to pieces: the people cared so little for it that they made no effort to save it. When such a plan was introduced in Virginia (which also during its first years had lacked such privileges) we shall see that no mere paper decree could take it away.

The easiest way for France to have corrected the evils in her colonization would have been to let the Huguenots come to America. They were the most skillful artisans and agriculturists in France and they had shown some knack for self-government. Moreover, they were anxious to come, and to bring their families. But the government, which lavished money in sending out undesirable emigrants, refused to allow these heretics to establish a state in America. After all, in large part, it was religious bigotry that cost France her chance for empire.

Exclusion  
of the  
Huguenots

## CHAPTER II

### VIRGINIA AND MARYLAND, TO 1660

#### I. THE MOTIVES OF EARLY ENGLISH COLONIZATION

*Virginia was founded by a great liberal movement aiming at the spread of English freedom and of English empire. — HENRY ADAMS.*

*It is to the self-government of England, and to no lesser cause, that we are to look for the secret of that boundless vitality which has given to men of English speech the uttermost parts of the earth as an inheritance.*

— JOHN FISKE.

THE first impulse to English colonization came from English patriotism. When Elizabeth's reign was half completed, little England entered upon a daring rivalry with the overshadowing might of Spain. Out of that rivalry, English America was born. Reckless and picturesque freebooters, like Drake and Hawkins, sought profit and honor for themselves, and injury to the foe, by raiding rich provinces of Spanish America. More far-sighted statesmen, like Raleigh, saw that English colonies in America would be "a great bridle to the Indies of the Kinge of Spaine," and began to try so to "put a byt in the anchent enymys mouth." Wrote Richard Hakluyt (*Western Planting*, 1584 A.D.): "If you touch him [Spain] in the Indies, you touch him in the apple of his eye. For, take away his treasure — which he has almost wholly out of his West Indies — his olde bandes of souldiers will soon be dissolved, his pride abated, and his tyranie utterly suppressed."

But to found a colony in those days was harder than we can well comprehend. The mere outlay of money was enormous for that time. Ships had little storage room; so



freights were high, and the best accommodations were poorer than modern steerage. To carry a man from England to America cost from £10 to £12, or about \$300 in our values (since money in 1600 was worth <sup>The difficulties</sup> five times as much as now). To provide his outfit and to support him until he could raise a crop, cost as much more.



QUEEN ELIZABETH KNIGHTING DRAKE, on board the *Golden Hind* on his return from raiding Spanish America in his voyage around the globe (1581). From a contemporary drawing by Sir John Gilbert.

Thus to establish a family in America took some thousands of dollars.

Moreover, there were no ships ready for the business, and no supplies. The directors of the early colonizing movements met all sorts of costly delays and vexations. They had to buy ships, or build them; and, in Channing's apt phrase, they had to buy food for the voyages "on the hoof or in the shock," and clothing "on the sheep's back." They had also to provide government, medicines, fortifications, military supplies, and food to meet a possible crop

failure. Much money, too, was sure to be lost in experimenting with unfit industries under untried conditions — as in the futile attempts to produce silk and make glass in Virginia.

The English crown founded no colonies, nor did it give money toward founding any. It did give charters to those men who were willing to risk their fortunes in the attempt. These charters were grants of *territory* and of *authority* over future settlers. Thus the English colonies (with a few accidental exceptions, which will be noticed) were at first proprietary. The proprietor might be an individual or an English corporation. In either case, the proprietor owned the land and ruled the settlers.

The first colonial charter was granted by Elizabeth, in 1578, to Sir Humphrey Gilbert. Gilbert made two brave attempts at a colony. The second, in the spring of 1583, entered St. John's Harbor on the Newfoundland coast. Gilbert's claims were recognized readily by the captains of the "thirty-six ships of all nations" present there for the fisheries; but desertion and disaster weakened the colonists, and in August the survivors sailed for England. Gilbert had sunk his fortune, and he himself perished on the return voyage. Song and story dwell fondly on the Christian knight's last words, shouted cheerily through the storm-wrack from his sinking little ship to comfort friends on the larger consort, — "The way to heaven is as near by sea as by land."

Gilbert's enterprise was taken up at once by his half brother, Sir Walter Raleigh, the most gallant figure of that daring age. In 1584 Raleigh received a charter copied from Gilbert's, and in the next three years he sent three expeditions to Roanoke Island on the Carolina coast, each time in considerable fleets. His first explorers declared the new land "the most plentiful, sweet, fruitful, and wholesome of all the world," and the natives were affirmed to be "such as live after the manner of the golden age." But supplies and reinforcements were delayed by the struggle with the Spanish Armada; and when the

Policy of  
the crown

Gilbert's  
charter,  
1578

Raleigh's  
attempts



next supply ships did arrive, the colonists had vanished without trace.

Raleigh had spent a vast fortune (a million dollars in our values); and, though he sent ships from time to time to search for the lost colonists, he could make no further attempt at settlement. Still, despite their failures, Gilbert and Raleigh are the fathers of American colonization. The tremendous and unforeseen difficulties of the enterprise overmatched even the indomitable will of these Elizabethan heroes; but their efforts had aroused their countrymen and made success certain in the near future. With pathetic courage, when in prison and near his death, Raleigh wrote, "I shall yet see it [America] an English nation."

For twenty-five years, attempts at colonization had failed, largely because the life-and-death struggle with Spain in Europe drained England's energies. Worse was to come. James I (1603) sought Spanish friendship; and then indeed Englishmen began to feel their chance for empire slipping through their fingers. But splendid memories of the great Elizabethan days still stirred men's hearts; and, as a protest against James' dastard policy in Europe, the fever for colonization awoke again in the heart of the nation. Men said a terrible mistake had been made when Henry VII refused to adopt the enterprise of Columbus; and they insisted vehemently that England should not now abandon Virginia — "this one enterprise left unto these days." Raleigh had found part of his money by forming a partnership with some London merchants. In 1606 some of these same merchants organized a large stock company to build a colony, and secured from King James a grant known as the Charter of 1606, or the *First Virginia Charter*.

James I  
and Spain

The London  
Company.  
1606 A.D.

The members of this Company hoped for commercial gain. No doubt some of its members cared only for this. But the great leaders cared more, like Raleigh and Gilbert, to build up the power of England, and some of them had it much at heart to Christianize the savages. This mis-

Motives of  
the pro-  
moters in  
England

sionary purpose faded soon for actual colonists, but it long continued powerful in England. The great clergymen who guided the Church of England (then recently cut off from Rome) could not rest content with "this little English paddock" while Rome was winning new continents to herself by her devoted missionaries; nor could these good churchmen help

squirming under the taunt of the Romanists "shewingge that *they* are the true Catholicke church because they have bene the onelie converters of many millions of infidells."

"Yea," confesses the chagrined Hakluyt, "I myself have bene demaunded of them how many infidells have bene by *us* converted." Such Englishmen cared for the London Company mainly in its aspect as a foreign missionary society — the first in the Protestant world; and this missionary character brought the Company much moral support and many gifts of money from outsiders.

For years, even this great Company had to struggle with discouragement and distress.

**THE PRINCIPALL  
NAVIGATIONS, VOI-  
AGES AND DISCOVERIES OF THE**  
English nation, made by Sea or over Land,  
to the most remote and farthest distant Quarter, of  
the earth at any time within the compasse  
of these eight hundred and threescore three  
years.


The first, containing the personall travels of the English vnto *India, Syria, Ara-  
bia, the river Euphrates, Babylon, Baffara, the Persian Gulfe, Ormus, Chaul,  
Gua, India* and many Ilands adioyning to the South parts of *Africa*: toge-  
ther with the like vnto *Egypt*, the chiefe ports and places of *Africa* with-  
in and without the Streight of *Gibraltar*, and about the famous Promon-  
torie of *Buona Esperanza*.

The second, comprehending the worthy discoveries of the English towards  
the North and Northeast by Sea, as of *Lapland, Scythia, Coreia*, the Baie  
of *S. Nicholas*, the Isles of *Coloqueva, Tartary*, and *Nova Zembla* toward the  
great river *Ob*, with the mightie Empire of *Russia*, the *Caspian Sea*, *Georgia*,  
*Armenia*, *Atolia*, *Perzia*, *Boghar* in *Bactria*, & diuers kingdoms of *Tartaria*.

The third and last, including the English valiant attempts in searching al-  
most all the corners of the vaste and new world of *America*, from 72 de-  
grees of Northerly latitude Southward, 16 *Mts Incognita*, *Newfoundland*,  
the maine of *Virginia*, the point of *Florida*, the Baie of *Mexico*, all the In-  
land of *Nova Hispania*, the coast of *Terra firma*, *Brasill*, the river of *Plate*, to  
the Streight of *Magellan*: and through it, and from it in the South Sea to  
*Chili*, *Peru*, *Xalisco*, the Gulfe of *California*, *Nova Albion* vpon the backside  
of *Canada*, further then euer any Christian hitherto hath pierced.

Whereunto is added the last most renowned English Navigation,  
round about the whole Globe of the Earth.

By Richard Hakluyt, Master of, and Souldier for, the  
of the Admirall of England.



Imprinted at London by GEORGE BISHOP  
and RALPH NEWBERIE, Deputies to  
CHRISTOPHER BARBER, Printer to the  
Queens most excellent Maestie.

1589.

TITLE PAGE OF HAKLUYT'S *Voyages*. Richard Hakluyt was a clergyman of the English church whom Raleigh had interested deeply in colonization. His earlier book has been quoted on page 14.

But its pamphlets, urging people to buy stock, did not place emphasis on any hope of large dividends — as we

expect a prospectus of a commercial company to do — but rather on the meanness and “avarice” of the man who would “save” his money instead of using it to extend English freedom and the kingdom of God. It was these high enthusiasms, far more than it was greed, that, a few years later, brought hundreds of the noblest of Englishmen to the rescue of the enterprise.

So far we have looked only at the motives of Englishmen who stayed at home and there helped to promote American colonization. Now for the motives of the colonists.

Motives of  
the colo-  
nists: the  
yeomen

In 1600 England needed room. True, the island had still only a tenth as many people as to-day; but, as industry was carried on in that day, its four millions were more crowded than its forty millions are now. For the small farmers especially, life had become very hard, and these yeomen furnished most of the manual labor in the early colonies. Few of this class could pay the cost of transporting themselves and their families to America; and so commonly they were glad to bind themselves by written “indentures” to become “servants” to some wealthy proprietor. That is, these *indentured servants* mortgaged their labor for four years, or seven years, in return for transportation and subsistence, and perhaps for a tract of wild land at the end of their term of service.

Captains and capitalists came from the English gentry class. Until the peace with Spain in 1604, many high-spirited youths had been fighting Spain in the Netherlands, for Dutch independence; and others had made the “gentlemen-adventurers” who, under leaders like Drake, had paralyzed the far-flung domains of New Spain with fear. To these men, and to many “younger sons” of gentry families for whom there was now no career at home, America beckoned alluringly as the land of opportunity and adventure. The period, too, was one of rapid rise in the cost of living; and the *heads* of some good families found themselves unable to keep pace

The  
“younger  
sons” and  
other gentry



with old associates. Some of these preferred leadership in the New World to taking in sail at home.

None of these "gentlemen" were used to steady work, and they were restive under discipline; so sometimes they drew down abuse from strict commanders like the worthy Captain John Smith. But they were of that "restless, pushing material of which the world's best pathfinders have ever been made"; and when they had learned the needs of frontier life, their pluck and endurance made them splendid colonists.

It must be remembered also that among the settlers there were always a few rare men animated wholly by patriotic devotion or by religious zeal or by a lofty spirit of adventure. Even the first Jamestown expedition (not a fair sample, either) included, among its 104 souls, Bartholomew Gosnold, a knightly survivor of the spacious Elizabethan days; and doughty John Smith, a robust hero, "even though his imagination did sometimes transcend the narrow limits of fact"; and the gentle and lovable churchman, Robert Hunt; to say nothing of worthies such as Percy and Newport. The modern community which, for each twenty souls, can show one built on a mold like these is not unhappy. The next three years, too, saw in Virginia many another gallant gentleman, like Thomas Gates, John Rolfe, and Francis West.

At a later period, we shall see, Puritanism and desire for religious freedom became added motives for English colonization. But for the early settlers the chief loadstone, no doubt, was some wild dream of wealth — such as is pictured in Marston's *Eastward Hoe* (1605; the name a survival of the idea that Columbus had found the East). At a tavern meeting the mate, Sea Gull, is enticing some young blades to embark for a proposed Virginia voyage: —

*Sea Gull.* Come boyes, Virginia longs till we share the rest of her . . .

*Scape Thrift.* But is there such treasure there, Captaine . . . ?

*Sea Gull.* I tell thee, golde is more plentiful there then copper

The idealists

Expectations  
of wealth  
exaggerated  
And  
Marston's  
"Eastward  
Hoe!"

is with us; and for as much redde copper as I can bring, Ile have thrise the waight in gold. Why, man, all their dripping pans . . . are pure gould; and all the chaines with which they chaine up their streets are massie gold; all the prisoners they take are fettered in gold; and for rubies and diamonds they goe forth on holydayes and gather 'em by the seashore to hang on their childrens coates, and sticke in their childrens caps, as commonly as our children wear saffron-gilt brooches. . . . Besides, there wee shall have no more law than conscience, and not too much of eyther.

This gross caricature called forth violent denunciation from good clergymen, like Crashaw, who retorted from the pulpit that Virginia had three enemies, — “the Divell, the Papists, and the Players.”<sup>1</sup> But it remains true that in the first colonies the expectations of sudden riches were more extravagant than in later attempts, and led for a time to disastrous neglect of the right sort of work. Still the motive was a proper one. It calls for no sneer. It was the same desire to better one's condition, which, in a later century, lured the descendants of the first settlers to people the continent from the Appalachians to the Golden Gate. Moreover, the motive was not mere greed. The youth was moved by a vision of romance and adventure. He was drawn partly by the glitter of gold, but quite as much by the mystery of new lands bosomed in the beauty of unknown seas. Best of all, these motives of gain and of noble adventure were infused with a high patriot-ism. Englishmen knew that in building their own fortunes on that distant frontier, just as truly as when they had trod the deck of Drake's ship, they were widening the power of the little home island, which they rightly believed to be the world's best hope. Marston's extravagant sarcasm was nobly answered by Michael Drayton's *Ode*, addressed to the 104 adventurers just setting sail, to found Jamestown the next spring: —

Romance  
and  
patriotism

<sup>1</sup> A passage in Crashaw's "Daily Prayer for Virginia" ran, — "Let Papists and Players and such other scum and dregs of the earth, — let them mocke such as helpe to build the walls of Jerusalem!"



You brave heroique minds,  
 Worthy your countries name,  
 That honour still pursue,  
 Goe, and subdue,  
 Whilst loyt'ring hinds  
 Lurk here at home with shame.

\* \* \* \*

And cheerefully at sea,  
 Successe you still intice,  
 To get the pearle and gold,  
*And ours to hold,*  
*Virginia,*  
 Earth's only Paradise.

\* \* \* \*

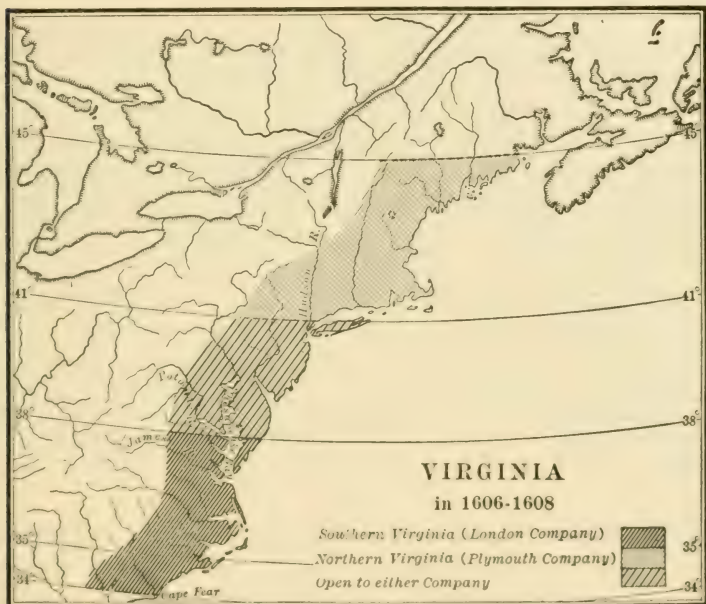
And in regions farre,  
 Such heroes bring yee forth  
 As those from whom yee came;  
 And plant our name  
 Under that starre  
 Not knowne unto our north!

## II. VIRGINIA A PROPRIETARY COLONY, 1607-1624

When James I granted the charter of 1606 (p. 17) to the enterprising merchants who wished to undertake founding colonies in America, the stockholders were divided into two subcompanies: *the London Company*, made up mainly of Londoners; and *the Plymouth Company*, made up of gentlemen from the west of England.

The name Virginia then applied to the whole region claimed by England on the Atlantic coast, between the Spaniards on the south and the French on the north. This made a tract about 800 miles long, reaching from the 34th to the 45th parallel. Within this territory, each Company was to have a district 100 miles along the coast and 100 miles inland. The exact location of these grants was to be fixed by the position of the first settlements. The Londoners were to choose anywhere between the 34th and the 41st parallel (or between Cape Fear

and the Hudson). The western merchants were to place their settlement anywhere between the 38th and the 45th parallel (between the Potomac and Maine). Neither Company was to plant a colony within a hundred miles of one established by the other. This arrangement left the middle district, from the Potomac to the Hudson, open to whichever Company should first occupy it. Probably the King's intention was



to encourage rivalry; but, naturally, the dubious overlapping region was avoided by both parties. There was room for *six* of the 100-mile locations outside of it.

The two proprietary Companies were expected to remain in England. To the settlers themselves the charter gave no share in their own government; but it did promise them "the liberties, franchises, and immunities" of Englishmen. This much misunderstood clause (found also in Gilbert's and in nearly all later charters) did *not* mean "the right to vote" or

The  
"liberties  
of English-  
men"

to hold office: not all Englishmen had such privileges at home. It meant such rights as jury trial, habeas corpus privileges, and free speech, — so far as those rights were then understood in England.

The plan of government was clumsy. In England there was to be a Council for the double company, with general oversight. In each colony there was to be a lower Council appointed by that higher Council. These local Councils were to govern the settlers according to laws to be drawn up by the King. Thus the government was partly royal and partly proprietary, without a clear division between the authorities in England; while in the colonies there was no single governor, but only unwieldy committees. The "Instructions" drawn up by James before the first expedition sailed kept loyally to the spirit of the charter. They provided that death or mutilation could be inflicted upon no offender *until after conviction by a jury*, and for only a small number of crimes, for that day, though the appointed Council were to punish minor offenses, such as idling and drunkenness, *at their discretion*, by whipping or imprisonment (authority much like that possessed then by the appointed justices of an English county).

Under this crude grant was founded the first permanent English colony. In 1607 the Plymouth Company made a fruitless attempt at settlement on the coast of Jamestown Maine (p. 3), and then remained inactive for twelve years. But in December of 1606 the London Company sent out, in three small vessels, a more successful expedition to "southern Virginia." The 104 colonists reached the Chesapeake in the spring of 1607, and planted Jamestown on the banks of a pleasant river flowing into the south side of the Bay. They chose this site some thirty miles up the stream to avoid Spanish attack from the sea. For some years this was the only regular settlement.

*Jamestown was a great "plantation."* The company of stockholders in England were proprietors. They directed



the enterprise, selected settlers, appointed officers, furnished transportation and supplies and capital — much like a lumber company in New York or Minneapolis that sends its woodsmen into our Northern woods. The colonists were employees and servants. They did the work, — cleared forests, built rude forts and towns, and raised crops, — facing disease, famine, and savage warfare. The managing Council at Jamestown were not so much political rulers

A Declaration for the certaine time of drawing the great standing Lottery.

V Welcomes.

Pries.

PROCLAMATION OF A VIRGINIA LOTTERY, February 22, 1615, to raise funds for the Company's use. The original belongs to the Society of Antiquaries of London. The two sides of the Seal of Virginia are shown in the squares.

as *industrial overseers*. Their task was a kind of house-keeping on a large scale.

The products of the settlers' labor went into a common stock. Lumber, sassafras, dyestuffs, were shipped to the Company to help meet expenses. Grain was kept in colonial storehouses, to be guarded and distributed by a public official. Here, too, were kept the supplies from England, — medicines, clothing, furniture, tools, arms and ammunition, seeds, stock of all kinds for breeding, and such articles of food as meal, bread, butter, cheese, salt, meat, and preserved fruits. For many years the existence



of the colony depended on the prompt arrival, every few months, of a "supply"; and the colonists measured time by dating from "the First Supply," or "the Third Supply."

The system of "industry in common" has frequently been called an experiment in communism. In reality it was no more communism than was a Virginia slave plantation in 1850. The London Company would have been the last men to approve any theory of communism. The common industry and undivided profits were simply clumsy features of management by a distant proprietary company.

The opening days of the colony promised an endless summer idyl to the inexperienced adventurers. "That  
Early ex- very Honorable Gentleman, Master George  
pectations Percy," as John Smith afterward calls him, has left us a record of his first impressions: —

. . . The six and twentieth day of Aprill about foure a clocke in the morning, wee descried the Land of Virginia: the same day wee entered into the Bay of Chesupioc without any let or hinderance; there wee landed and discovered a little way, but we could find nothing worth the speaking of but faire meddowes and goodly tall Trees, with such Fresh-waters runninge through the woods as I was almost ravished at the first sight thereof. . . .

The [28th] day . . . we went further into the Bay, and saw a plaine [level] plot of ground where we went on Land . . . we saw nothing there but a Cannow, which was made out of the whole tree, which was five and fortie foot long, by the Rule. Upon this plot of ground we got good store of Mussels and Oysters, which lay upon the ground as thicke as stones: wee opened some and found in many of them Pearles [!] . . . We passed through excellent ground full of Flowers of divers kinds and colours, and as goodly trees as I have seene, as cedar, cipresse, and other kindes. Going a little farther, we came into a little plot full of fine and beautifull strawberries, foure times bigger and better than ours in England.

But the location of Jamestown was low and unhealthful; the committee government was not suited to vigorous action; and only the stern school of experience could teach

men in that day how to colonize an unknown continent. The early years were a time of cruel suffering. *The first summer saw two thirds of the settlers perish*, while much of the time the rest were helpless with fever. The closing pages of Captain Percy's *Discourse* tell the story:—

Years of  
cruel  
suffering

Our men were destroyed by cruell diseases . . . and by warres [with the Indians]; and some departed suddenly, but for the most part they died of meere famine. There were never Englishmen left in a forreigne Country in such miserie as wee were. . . Our feed was but a small can of Barlie, sod in Water, to five men a day; our drinke, cold Water taken out of the River, which was at flood verie Salt, at a low tide full of slime and filth . . . Thus we lived for the space of five months in this miserable distresse, not having five able men to man our Bulwarkes . . . our men night and day groaning in every corner of the Fort most pittiful to heare . . . some departing out of the World, many times three or four in a night, in the morning their bodies trailed out of their Cabines, like Dogges, to be burried.

The First Supply, in the fall of 1607, found only 38 survivors, and for 20 years each new immigration lost, on an average, half its members the first season.

From one peril the colony was saved by its very misery. Spain watched jealously this intrusion into a region which she claimed as her own, and the government contemplated an attack upon Jamestown. In particular, the Spanish ambassador at London urged his king repeatedly to have "those insolent people in Virginia annihilated." "It will be serving God," he wrote, "to drive these villains out and hang them." But the Spanish spies in the colony reported that it must fall of itself; and the dilatory Spanish government, already slipping into decay and unwilling needlessly to make King James an enemy, failed to act.

The Spanish  
peril

The most interesting figure during the first three years was the burly, bustling, bragging, efficient Captain John Smith. Smith finally became President of the ineffective Council. Then he quickly usurped all the power

Captain  
John Smith

of government, and his beneficent tyranny saved the colony from ruin. In 1609, however, he was injured by an explosion of gunpowder, and went back to England. The next winter was "*The Starving Time*." A special effort had been made, the summer before, to reinforce the colony; and in the fall the number of settlers had risen to more than three hundred. Spring found only sixty gaunt survivors. These had em-

The colony  
saved by  
Delaware's  
arrival, 1610

barked to abandon the colony, with slight chance of life whether they went or stayed, when they met Lord Delaware, the new governor, with a fleet bringing reinforcements and supplies. Had Delaware been later by three days, Jamestown would have been another failure, to count with Raleigh's at Roanoke.

Meantime, the year 1609 had seen a remarkable outburst of enthusiasm in England in

The charters  
of 1609 and  
1612

behalf of the sinking colony. Sermons and pamphlets appealed to the patriotism of the nation not to let this new England perish.

The list of the Company's stockholders was greatly multiplied, and came to include the most famous names in England, along with good men from all classes of society;<sup>1</sup> and this enlarged London Company received enlarged powers



CAPTAIN JOHN SMITH. From the woodcut by Smith in the corner of his map of New England in his *Generall Historie*. Smith's rhyming inscription below the picture refers to his "deeds more fair" than his face.

<sup>1</sup> Cf. p. 19. Each of the 650 subscribers bought from one to ten shares of stock, at £12 10 s. a share, or about \$400 a share in our values.



through *two new charters in 1609 and 1612*. Three things were accomplished by these grants:—

1. The territory of the Company was extended. It was made to reach along the coast each way 200 miles from Point Comfort, and “up into the land throughout from sea to sea, *west and northwest*.”

2. The authority before kept by the king was now turned over to the Company; and that body received a democratic organization. It was to elect its own “Treasurer” and Council (President and Directors, in modern phrase), and to rule the colony in all respects.



This map shows two possible interpretations of this clumsy “northwest” phrase. The Virginians themselves had no trouble in deciding which to insist upon. Probably the words “west and northwest” were used vaguely, with the meaning “toward the western ocean,” which was supposed to lie rather to the northwest.

3. A more efficient government was provided in the colony. There was no hint yet of *self-government*. The Company in England made all laws and appointed all officers for the colony. But the inefficient plural head in the colony, with its divisions and jealousies, was replaced by one “principal governor” with a Council to assist him.

*Virginia had left anarchy behind, but she had not reached liberty.* The Com-  
pany continued the  
“plantation” plan;  
and from 1611 to

The rule  
of Dale:  
“the time of  
slavery.”  
1611 1616

1616 its chief officer in Virginia was Sir Thomas Dale. This stern soldier put in force a military government, with a savage set of laws known as Dale’s Code. Among other provisions, these laws compelled attendance at divine worship daily, under penalty of six months in the galleys, and on Sundays on pain of death for repeated absence. Death was



the penalty also for repeated blasphemy, for "speaking evil of any known article of the Christian faith," for refusing to answer the catechism of a clergyman, and for neglecting work. The military courts, too, made use of ingeniously atrocious punishments, such as burning at the stake, breaking on the wheel, or leaving bound to a tree to starve, with a bodkin thrust through the tongue. These years of tyranny were long remembered as "*the time of slavery*," with a government "very bloody and severe . . . in no wise agreeable to a free people or to the British constitution." Dale, however, was conscientious and efficient, and full of enthusiasm for Virginia. "Take the best four kingdoms of Europe," he wrote home, "and put them all together, and they may no way compare with this country for commodity and goodness of soil." Moreover, he kept order and protected the colony from the Indians, and in 1614 he made 81 *three-acre allotments* of land to private holders — a small garden to each free settler. At his departure, in 1616, the colonists numbered 351. Of these, 65 were women or children, and some 200 were "servants."

*A revolution now took place in the London Company.* That body had split into factions. The part so far in control was conservative, and belonged to the "court party" in English politics; but toward the close of 1618, control passed to a *liberal and Puritan faction*, led by the Earl of Southampton and Sir Edwin Sandys. Since these patriots were struggling gallantly in parliament against King James' arbitrary rule, it was not unnatural that they should at once grant a large measure of self-government to the Englishmen across the Atlantic, over whom they themselves ruled. Sir George Yeardley was sent out as governor, and a new era began in Virginia.

With Yeardley's arrival, in April, 1619, the number of colonists was raised to about a thousand. They were still, mainly, indentured servants (p. 19), and were distributed among eleven petty "plantations," — mere patches on the wilderness, — scattered along a narrow ribbon of territory,

nowhere more than six miles wide, curving up the James for a hundred miles. Industry was still in common, except for the slight beginning of private tillage under Dale; and martial law was still the prevailing government.

According to his instructions Yeardley at once introduced three great reforms.

1. He established private ownership, giving liberal grants of land to all *free* immigrants. A large part of the settlers continued for some time to be "servants" of the Company, and these were employed as before on the Company's land. But each of the old free planters now received 100 acres; each servant was given the same amount when his term of service expired; and each new planter thereafter was to receive 50 acres for himself and as much more for each servant he brought with him. Grants of many hundred acres were made, too, to men who rendered valuable service to the colony. For many years, all grants were in strips fronting on rivers up which ships could ascend.

Private  
ownership

2. Dale's code of martial law was set aside. Yeardley proclaimed, said a body of settlers later, "that those cruell lawes by which we had soe longe been governed were abrogated, and that we were now to be governed by those free lawes which his Majesties subjects live under in Englande." This was merely to keep the pledge of the charters.

A return to  
the promises  
of the  
charters

3. The settlers received a share in the government. A Representative Assembly was summoned, "freely to be elected by the inhabitants, . . . to make and ordaine whatsoever lawes and orders should by them be thought good and profitable." This *political* privilege was a new thing.

Representa-  
tive govern-  
ment

*The First Representative Assembly* in America met at Jamestown, August 9 (New Style), 1619. It was not *purely* representative. Each of the eleven plantations sent two delegates; but *in the same "House"* with these *elected* "Burgesses" sat the governor and his Council (seven or eight in number), *appointed*

The As-  
sembly of  
1619

from England. We have no account of the elections. No doubt they were extremely informal. Of the thousand people in the colony, seven hundred must have been "servants" without a vote; and, of the three hundred free persons, a fraction were women and children. Probably there were not more than two hundred voters. These were distributed among eleven plantations, in some of which the only voters must have been the foreman and employees of a rich proprietor.

The Assembly opened with prayer, and slipped with amazing ease into the forms of an English parliament. It "verified credentials" of the delegates, and it gave all bills "three readings." Laws which to-day would be stigmatized as "Blue Laws" were passed against drunkenness, gambling, idleness, absence from church, "excess in apparel," and other misdemeanors. For that age, the penalties were light. The Church of England was made the established church; and aid was asked from the Company toward setting up a college. With all this business, the Assembly sat only six days.

This beginning of representative government in the wilderness has a simple grandeur and a striking significance. Virginia had been transformed from a *plantation colony*, ruled by a despotic overseer, into a *self-governing political community*. The pioneers manifested an instinct and fitness for representative government, a zest for it, and a deep sense of its value. *It came as a gift; but, once given, it could not be withdrawn.*<sup>1</sup> Jury trial and representative government were both established upon a lasting foundation in America in 1619, *while Virginia was the only English colony*. These two bulwarks

<sup>1</sup> Many American writers speak as though the colonists had created the Assembly. Thomas Hutchinson (*History of Massachusetts Bay*, 94, note) said that in 1619 representative government "broke out" in Virginia; and Story, in his great *Commentaries on the Constitution* (I, § 166), said that the Assembly was "forced upon the proprietors" by the colonists. Influenced by such earlier authorities, John Fiske (*Old Virginia*, I, 186) explains the Assembly on the ground that "the people called for self-government." But this view is contrary to all evidence. For a good statement, see Channing, *United States*, I, 204. For the ardor, however, with which the settlers *maintained* the privilege, in contrast to French indifference, see pp. 37-39 below.



of freedom were not then known in any large country except in England; and they were not to take root in the colonies of any other country for more than two hundred years. *Their establishment in Virginia made them inevitable in all other English colonies.*

A charter to the settlers established still more firmly the grant of self-government. Yeardeley put before the Assembly a long document from the Company. The Assembly called it a "Great Charter," and examined it carefully, "because [it] is to binde us and our heyers forever." This "*charter of 1618*" has been lost, but the Assembly's Records show that it guaranteed a representative Assembly. It was wholly different from royal grants to proprietors in England: it was the first of many charters and "concessions" issued by the proprietors of various colonies to settlers in America, in order to set up ideals of government or to attract settlers. From this time it became customary for colonial proprietors, when circulating handbills in England advertising the features of their American possessions, to lay stress upon the guarantee of political privileges.

The "charter of 1618" to the settlers

The new management of the Company bestirred itself to build up the colony on the material side also. To supply the labor so much needed, Sandys (the "Treasurer," or President) sought throughout England for skilled artisans and husbandmen, and shipped to Virginia many hundred "servants." Several cargoes of young women, too, were induced to go out for wives to the settlers, and supplies of all kinds were poured into the colony with a lavish hand.

Paternal care by the Company in England

This generous paternalism was often unwise. Effort and money were wasted in trying to produce glass, silk, and wine, — so that England might no longer have to buy such commodities from foreigners — while the main industry that was to prove successful, tobacco raising, had to win its way against the Company's frowns. Moreover, pestilence and hardship continued to kill off a terrible proportion of the



people. In the first three years after Yeardley's arrival, more than three thousand new settlers landed; but in March, 1622, of the population old and new, only some twelve hundred survived, and that spring an Indian massacre swept away a third of that little band.

In spite of all this, *Virginia became prosperous under the Company's rule.* Two years after the massacre, the population had risen again to twelve hundred, and the number of settlements had become nineteen. The Indians had been

Tobacco  
makes the  
colony self-  
supporting

crushed. Fortunes were being made in tobacco, and the homes of the colonists were taking on an air of comfort. The period of experiment was past, and the era of rapid growth had just

been reached. During the following ten years (1624-1634) the population grew fourfold, to more than five thousand people, organized in eight counties.

Tobacco for export was first grown in 1614, on the plantation of John Rolfe, who had married the Indian girl Pocahontas. The Company always discouraged its cultivation — on moral as well as business grounds. Smoking was looked upon much as indulgence in liquor is now. King James wrote a tract against the practice, and even later King Charles warned the Virginians not to "build on smoke." Tobacco, however, found a steady sale in Europe at high prices; and before 1624 Virginians knew they had found a paying industry. Thereafter the colony needed no coddling.

*Meanwhile King James became bitterly hostile to the liberal management of the Company.* Sandys was particularly

obnoxious. He was prominent in parliament in  
King James  
and Sandys  
opposing the King's arbitrary policy, and was reported to be "the king's greatest enemye." More than once he had been committed to custody by royal order. An envious business associate testified that "there was not any man in the world that carried a more malicious heart to the government of a Monarchie than Sir Edwin Sandys did," and that Sandys had said repeatedly that he "aymed . . . to make a free popular state there [in Virginia] in which the

people should have noe government putt upon them but by their owne consents."

When Sandys' term expired, in 1620, King James sent to the "General Court" of the Company the names of four men from whom he ordered them to elect a new Treasurer. The Company (some hundreds of the best gentlemen of England present) remonstrated firmly against this interference with the freedom of election guaranteed by their charter; and

Royal attempts to control the Company



## A COUNTERBLASTE TO TOBACCO.



That the manifold abuses of this vile custome of *Tobacco* taking, may the better be espied, it is fit, that first you enter into consideration both of the first originall thereof, and likewise of the reasons of the first entry thereof into this Countrey. For certainly as such customes, that haue their first institution either from a godly, necessary, or honourable ground, and are first brought in, by the meanes of some worthy, vertuous, and great Personage, are euer, and most iustly, holden in great and reuerent estimation and account, by all wise, vertuous, and temperate spirits: So should it by the contrary, iustly bring a great disgrace into that sort of cu-

BEGINNING OF KING JAMES' TRACT: a facsimile from his *Complete Works*, London, 1616.

James yielded, exclaiming petulantly, "Choose the Devil, an ye will; only not Sir Edwin Sandys!" Sandys then withdrew his name; and the Company sent a committee to his friend, the Earl of Southampton,<sup>1</sup> the liberal leader

<sup>1</sup> This was Shakspeare's Southampton, of course.

in the House of Lords, to inquire whether he would accept the office. Southampton was little more to the royal taste. "I know the King will be angry," said he to his friends, "but, so this pious and . . . glorious work be encouraged, let the Company do with me as they think good." Then, "surceasing the ballot," the meeting elected him "with much joy and applause, by erection of hands." Sandys was chosen Deputy Treasurer and remained the real manager.

When Southampton's second term expired (1622), James again sent to the Court of Election five names. It would be pleasing to him, he said, if the Company would choose a new Treasurer from the list; but this time he carefully disclaimed any wish to infringe their "liberty of free election." The Company reelected Southampton by 117 ballots, to a total of 20 for the King's nominees. Then they sent a committee to thank James "with great reverence" for his "gracious remembrance" and for his "regard for their liberty of election!" It is reported that the King "flung away in a furious passion." Small wonder that he listened to the sly slur of the Spanish ambassador, who called the London Company's General Court "the seminary for a seditious parliament."

Since James could not secure control of the Company, he decided to overthrow it. A revival of the old factions within it, and the Indian massacre of 1622 in Virginia, furnished a pretext. James sent commissioners to the colony, to gather further information unfavorable to the Company's rule; but the Virginians supported the Company ardently and made petition after petition to the King in its favor. The Company made a strong defense, and the charter could be revoked only by a legal judgment. Royal interference with the courts was a new thing in England and was never to recur after Stuart times. But Sir Edward Coke, the great chief justice, had just been dismissed from office by James for refusing to consult the King's will in judicial decisions, and for a time the English courts

The King's  
courts  
overthrow  
the London  
Company  
in 1624



were basely subservient to the monarch. Accordingly, in 1624, in a flimsy case against the London Company, the King's lawyers secured judgment that the charter was void.

### III. THE ASSEMBLY SAVED: 1624-1660

*Virginia had become a Royal Province.* To the people this meant three things. A Royal Province

1. Land titles from the Company to settlers held good. But all the territory still owned by the Company at its fall became crown land again. Thereafter, royal governors made grants from it to settlers much as the Company had done. Virginia afterwards frequently claimed its "ancient bounds" as described in the charter of 1609. That grant, however, was made to the Company in England, and not to the colony. The King was undoubtedly within his rights when he soon gave part of the old grant to Lord Baltimore for the colony of Maryland.

2. The colony now had to support itself. In fifteen years the London Company had spent five million dollars upon it — without return to the stockholders; and most Virginians believed that without such fostering the enterprise would sink. In the next four years the settlers sent four petitions to the King for aid. One of them runs, in part: "The ground work of all is that there must bee a sufficient publique stock to goe through with soe greate a worke; which we can not compute to bee lesse than £20,000 a yeare. . . . For by it must be maintayned the Governor and his Counsell and other officers heere, the forest wonne and stocked with cattle, fortifications rayseed, an army maintayned, discoveries mayde by sea and land, and all other things requisite in soe mainefold a business." But the King was quarreling with parliament about money enough to run the government at home, and he paid no attention to such prayers. This was fortunate. The colony found that it could walk alone.

3. *Political control over the colonists was now in the King's hands.* And, as the colonists feared that the King would help



too little, so, with more reason, they feared that he would govern too much. Even in Old England, with all its centuries of traditions for representative government, and despite dogged and heroic opposition from parliament after parliament, this new Stuart monarch seemed almost to have made into fact his new French "Divine-Right" theories of kingship. How then could this little handful of Englishmen in a strange land, dependent in many ways (as they thought) on the King's favor, hope to maintain their political liberty, now that they had lost the protection of their charter! (The overthrow of the royal charters to the London Company made of no effect the Company's Charter of 1618 to the Virginians.)

Even so, *the Virginians were determined to save their Representative Assembly.* As soon as it became plain that the Company was to be overthrown, in the spring of 1624, a body of leading settlers sent to the King an address in which they "humbly entreat . . . that the Governors [to be appointed by the king] may not have absolute authority, . . . [and] above all . . . that we may retain the Libertie of our General Assemblie, than which nothing can more conduce to our satisfaction or the public utilitie." At the same time the Assembly itself solemnly put on record its claim to control taxation, in a memorable enactment: "*That the Governor shall lay no taxes or ympositions upon the colony, its lands or goods, other way than by the authority of the General Assembly, to be levied and ymployed as the said Assembly shall appoynt.*" This was the first assertion on this continent of the ancient English principle, "No taxation without representation."

That same summer, however, King James began his control by reappointing the old governor and Council in Virginia and giving them full authority to rule the colony. The instructions to these officers made *no mention of an Assembly.* Indeed James planned a permanently despotic government; but he died in a few months before he had completed his draft of a "new constitution" for Virginia.

The next year the new king, Charles I, appointed a new governor in Virginia with instructions like those used the year before by his father, and still with no reference to an Assembly; and no Assembly met for five years (1624-1628).

Still the colonists kept asking for one; and in 1625 they sent Yeardley to England to present their desires. Yeardley told the royal council that only the grant of an Assembly could allay the universal distrust in Virginia, where "the people, . . . justly fearing to fall into former miseries, resolve rather to seek the farthest parts of the World."

Neither this threat nor other petitions met with any direct answer. In 1628 Charles did order the governor to call an Assembly, though only because he hoped, vainly, to persuade it to grant him a monopoly of the profitable tobacco trade. Then Charles appointed *Sir John Harvey* governor. Harvey belonged to the court faction in England; but he had been one of the royal commissioners to Virginia in 1623, and apparently he had learned there that it would not be wise to try to rule the colony without an Assembly. His commission from Charles made no mention of one; but, in 1629, before leaving England, he drew up for the King's consideration a list of seven "Propositions touching Virginia," and *one of these asked for a representative Assembly as part of the government.* The King seems to have been influenced by this request from the courtier-governor more than by the petitions of the colony. He was just entering upon his eleven-year period of "No Parliament" in England, but, in his answer to Harvey, he *approved an Assembly for Virginia.*

The Vir-  
ginians win

With this sanction, the Assembly continued regularly; and formal *directions to call Assemblies* became a part of each future governor's instructions. The change from a proprietary colony to a royal colony, then, did not make political liberty less. The Stuart kings were so involved in quarrels at home that they had little time to give to a distant colony; and Virginia was left to develop with less interference than it would have had from the most liberal proprietary company. *The London Company had planted constitutional*

*liberty in America; the settlers clung to it devotedly; and the careless royal government found it easier to use the institution than to uproot it.*

The Virginians had dreaded Harvey's coming. Despite his "proposition" for an Assembly, he was known as a supporter of arbitrary rule. And so, soon after his arrival, *the Assembly of 1632 reenacted, word for word, the great law of 1624 regarding representation and taxation.* Harvey clashed continually with the settlers, and complained bitterly to the authorities in England about the "selfwilled government" in Virginia. Finally, he tried to arrest some of his Council for "treason." Instead, the Council and Assembly "thrust him out of his government," sent him prisoner to England, and chose a new governor in his place. This was *the mutiny of 1635.*

Two years later, the King restored Harvey for a time; but replaced him, in 1639, by the liberal *Wyatt.* Then, in 1641, Sir William Berkeley was sent over as governor. He had been an ardent royalist in England; so his first Assembly enacted verbatim, for the third time, the law of 1624 regarding taxation. Berkeley ruled, however, with much moderation, keeping in touch with the Assembly and showing no promise of the tyranny which was to mark his second governorship, after the Restoration.

In 1649, after the English Civil War, the home country for a time became a republican "Commonwealth." Parliament sent Commissioners to America to secure the obedience of the colonies. Berkeley wished to resist these officers, but the Assembly quietly set him aside and made terms. With the approval of the Commissioners, the government was reorganized so as to put more power into the hands of the Burgesses, because parliament could trust them better than it could the more aristocratic elements. Each year a House of Burgesses was to be chosen as formerly, but this body was now *to elect the governor and Council.*

Sir John  
Harvey and  
"the mu-  
tiny of 1633"

Sir William  
Berkeley's  
first  
governor-  
ship, 1641-  
1649

Virginia  
under the  
Common-  
wealth,  
1649-1660



*During the next nine years (1652-1660), Virginia was almost an independent and democratic state.* On one occasion (1657), a dispute arose between the Burgesses and the governor. Governor Matthews and the Council then declared the Assembly dissolved (as a royal governor would have done). The Burgesses held that the governor, *having been made by them*, could not unmake them, and that "we are not dissoluable by any power yet extant in Virginia but our owne." Matthews threatened to refer the matter to England. *The Burgesses then deposed him*, and proceeded to reelect him *upon condition* that he acknowledge their supreme authority.

An inde-  
pendent  
democracy

In March, 1660, Governor Matthews died. Charles II had just returned to the throne in England. The Assembly wished to conciliate Charles, and so it chose Berkeley governor again. But it also made an attempt to save Commonwealth liberties by enacting that Berkeley "governe according to the ancient laws of England and the established lawes of this country, and . . . that once in two years at least he call a Grand Assembly, and that he do not dissolve this Assembly without the consente of the major part of the House." The failure of this attempt to restrict the new governor belongs to a later chapter.

#### IV. MARYLAND: A PROPRIETARY PROVINCE

*Among the people of Lord Baltimore's colony, as among English-speaking people in general, one might observe a fierce spirit of political liberty coupled with an ingrained respect for law.* — FISKE, *Old Virginia*.

For Maryland, the plan of colonization was much like that of Raleigh's day. *George Calvert*, a high-minded gentleman, had been interested for many years in the expansion of England. He was a member of the London Company and of the New England Council (p. 47); and finally he took upon his own shoulders a separate attempt to build a colony. In 1623 he secured a charter from King James for a vast tract in Newfoundland, with authority to rule settlers there;

George  
Calvert,  
soon the  
first Lord  
Baltimore



and to this Province of *Avalon*, with its "Bay of Flowers" and "Harbor of Heartsease," he sent out several bodies of colonists. Just after receiving the grant, Calvert became a Catholic, though that religion was then persecuted sternly in England. Until his conversion his life had been spent mainly in the public service; but as a Catholic he could no longer hold office. To reward his past services, the King made him Baron of Baltimore, and the new peer then spent some years in his colony — only to learn by bitter experience that he had been misled cruelly as to its climate and wealth.

Broken in health and fortune, Baltimore at last abandoned that harsh location, and petitioned King Charles for a more southerly province. Before the new grant was completed, he died; but in 1632 the Charter for Maryland was issued to his son. *The charter sanctioned representative self-government.* It put the head of the Baltimore family in the position, practically, of a *constitutional king* over the settlers, but his great authority was limited by one supreme provision, *not* found in the charter to Raleigh: *in raising taxes and making laws, the proprietor could act only with the advice and consent of an Assembly of the freemen (landowners) or of their representatives.* This recognition of *political* rights for the settlers, in a *royal* charter, is an onward step in the history of liberty. The creation of the Virginia Assembly, and the devotion of the Virginians to it, had borne fruit. Between 1620 and 1630, it became a settled conviction for all Englishmen, at last even for the court circle, that colonization in America was possible only upon the basis of a large measure of self-government.

*And the Maryland Assembly soon won unexpected power.* The proprietors did not live in the colony. They ruled it through governors, whom they appointed and dismissed at will, and to whom they delegated such authority as they chose. The governor was assisted by a small Council, also appointed by the proprietor. This proprietary machinery was in-

The Charter  
of 1632 for  
Maryland

Growth of  
power in  
the As-  
sembly

tended to be the controlling part of the government. But within twenty years Maryland grew into a democratic commonwealth, with the Assembly for the center of authority.

In 1634 the proprietor sent out the first body of settlers, two hundred strong. The governor was directed to call an Assembly, but was authorized also to adjourn and dissolve it at will and to veto any of its acts. Baltimore himself reserved a further veto. Moreover, he intended to keep for himself the sole right to initiate legislation. He meant to draw up all laws in full, and to submit them to the Assembly — which might then approve them or reject them, but might not amend them. The charter, he pointed out, declared that *he* was to make laws “with the advice and consent” of the freemen. This phrase was the same that English kings had used for centuries to express the division of power between themselves and parliament, and meantime parliament had grown in influence until it had gained much initiative and was well on the way to become the real law-making power. Accordingly, the people of Maryland insisted upon taking the words in the sense which history had given them — and even with some prophetic sense — rather than in their literal meaning.

The struggle  
over the  
initiative in  
legislation

The first Assembly (1635) passed a code of laws. Baltimore vetoed them all, on the ground that the Assembly had exceeded its authority. To the next Assembly (1638) Baltimore sent a carefully drawn body of laws. After full debate, these were rejected by unanimous vote of all the representatives. Then the Assembly passed a number of bills, several of them based upon those that had been presented by Baltimore; but all these fell before the proprietor's veto. In the following year, however, Baltimore wisely gave way, and soon ceased all attempts to introduce bills.

Another contest concerned the make-up of the Assembly. The first Assemblies were “primary” gatherings, to which all freemen might come; but to the spring As-

sembly of 1639 each "hundred" (the local unit in early Maryland) chose two delegates. Notwithstanding this, from one of the hundreds there appeared two other men claiming a right to sit as members because they "had not consented" to the election! Stranger still, the absurd claim was allowed! But the same Assembly decreed that in future there should sit only (1) delegates duly chosen and (2) gentlemen summoned by the governor's personal writs. In 1641 a defeated candidate claimed a right to sit "in his own person," but this time the plea was promptly denied. *The Assembly had become representative.*

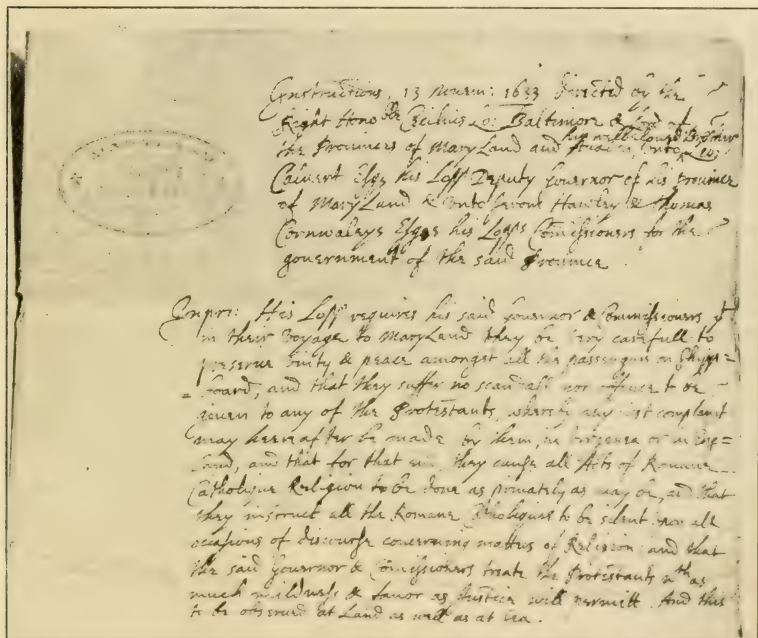
The next step was for the Assembly to divide into *two Houses*. At first the Council sat as part of the Assembly in one body with the freemen or their delegates. Moreover, the governor summoned other gentlemen, *as many as he pleased*, by personal writs, independent of election. These appointed members sympathized naturally with the proprietor and the governor, while the delegates sometimes stood for the interests of the settlers. As early as 1642 the differences between the two elements, appointed and elected, led the representatives to propose a division into two "Houses." The attempt failed because of the governor's veto; and the arrangement did not become law until 1650, six years after success had been achieved in Massachusetts (pp. 87-88).

The Assembly of 1642 attempted also to secure stated meetings, independent of a governor's call, and to do away with the governor's right to dissolve them. In form, these radical attempts failed; but in reality *the Assembly soon learned to control its own sittings*, except in extreme crises, through its power over taxation. It granted supplies only for a year at a time (so that it had to be called each year), and it deferred this vote of supplies until it was ready to adjourn. Not until a generation later was this step adopted by the English parliament in its struggle with the crown.



Maryland was also a religious experiment. After George Calvert's conversion to Catholicism, he had a new motive for wishing to form a colony. He and his son wished to establish a refuge for their persecuted co-religionists. The charter, therefore, omits the usual reference to the oath of supremacy — which good Catholics could not take — and probably there was an

Maryland  
and the  
Catholics



FACSIMILE OF INSTRUCTIONS FROM LORD BALTIMORE TO HIS BROTHER, LEO CALVERT, regarding the treatment of Protestants in Maryland.

understanding between king and proprietor that Catholics would not be molested. But Maryland was never a Catholic colony in the sense that the Catholics could have made their religion the state religion, or that they could have excluded other sects. The most that the devout, high-minded Baltimore could do for his fellow worshipers, — possibly all that he wished to do, — was to secure toleration for them by compelling them to tolerate others. From



the first there were many Protestants in the colony, possibly a majority. Baltimore's instructions to the governor of the first expedition enjoined him to permit "no scandal or offense" to be given to any of the Protestants.

When the Puritan Commonwealth was established in England, the Puritans in Maryland tried to win control in that province. Lord Baltimore then persuaded the Assembly to enact *the Toleration Act of 1649*. This great law, it is true, threatened death to all non-Christians (including Jews and any Unitarians of that day); but it provided that "no person . . . *professing to believe in Jesus Christ*, shall be in any wise molested or discountenanced for his or her religion."

At a later time the Catholics were persecuted cruelly in this colony that they had founded. After the English Revolution of 1688, the Catholic Baltimore family was deprived of all political power; and, for a generation, Maryland became a royal province. In 1715 the Lord Baltimore of the day, having declared himself a convert to Protestantism, recovered his authority. Meantime the Episcopal Church had been established in Maryland and ferocious statutes, like those then in force in England, had been enacted against Catholics, to blacken the law books through the rest of the colonial period.

The  
"Toleration  
Act" of  
1649

Persecuting  
statutes  
against  
Catholics  
after 1688

## CHAPTER III

### NEW ENGLAND AND THE PILGRIMS

*After all that can be said for material and intellectual advantages, it remains true that moral causes determine the greatness of nations; and no nation ever started on its career with a larger proportion of strong characters or a higher level of moral earnestness than the English colonies in America.* — LECKY, *England in the Eighteenth Century*, II, 2.

*Next to the fugitives whom Moses led out of Egypt, the little shipload of outcasts who landed at Plymouth . . . are destined to influence the future of mankind.* — JAMES RUSSELL LOWELL.

*If Columbus discovered a new continent, the Pilgrims discovered the New World.* — GOLDWIN SMITH.

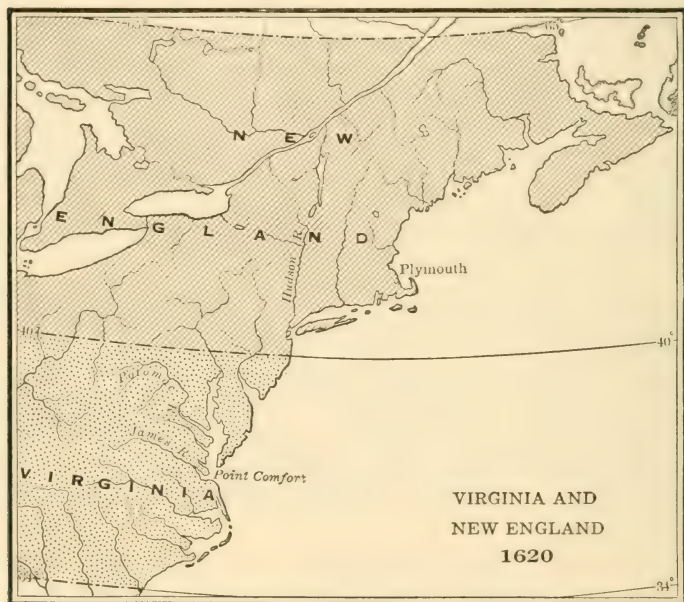
IN 1620, roused by the success of the London Company at Jamestown, some members of the Plymouth branch of the old Virginia Company reorganized as “The Council resident in Plymouth . . . for the planting of New England,” and a royal charter gave this body powers similar to those of the London Company, with a grant of all North America between the 40th parallel and the 48th.

This “New England Council,” or “Plymouth Council,” sent out no colonists. Instead, it sold or granted tracts of land, with various privileges, to adventurers who undertook to found settlements. One such charter it sold to agents representing the struggling Pilgrim colony, which, by accident, had been founded within the New England Council’s territory (p. 53). Some small trading stations, also, were established under such grants; and in 1623 there came a more ambitious attempt. Robert Gorges, son of the most active member of the Plymouth Council, was granted lands near Boston harbor, with a charter empowering him to rule settlers “accord-

The Council  
for New  
England

And com-  
mercial  
attempts at  
colonization

ing to such lawes as shall be hereafter established by public authoritie of the state *assembled in Parliament in New England.*" The Council also commissioned him "*General Governor*" of all settlements to be formed in their vast territory, — which caused the feeble Pilgrim colony to dread his coming. He brought to Massachusetts Bay an excellent company, containing several "gentlemen," two clergymen, and selected farmers and mechanics; but



after one winter the colony broke up. The gentle Bradford, governor and historian of Plymouth, wrote with unusually grim humor that Gorges departed, "haveing scarce saluted the Cunttrie of his Government, not finding the state of things hear to answer his qualitie."

The forces at work so far in settling New England, except for the Pilgrims at Plymouth, were mainly commercial. But success was to come from a new force just ready to take up the work of colonization.

*This force was Puritanism.* The "established" church in England was the Episcopalian. Within that church the dominant party had strong "High-church" leanings and was ardently supported by the royal "head of the church," — Elizabeth, James, Charles, in turn; but it was engaged in constant struggle with a large, aggressive Puritan element. *Puritanism was much more than a religious sect.* It was an ardent aspiration for reform in many lines. In politics, it stood for an advance in popular rights; in conduct, for stricter and higher morality; in theology, for the stern doctrines of Calvinism, which appealed powerfully to the strongest souls of that age; in church matters, for an extension of the "reformation" that had cut off the English Church from Rome.

*Two groups of English Puritans* stood in sharp opposition to each other, — the influential "*Low-church*" element *within the church*, and the *despised Separatists* *outside of it.* The Low-churchmen had no wish to separate church and state. They wished one national church, — a Low-church church, — to which everybody within England should conform. They desired also to make the church a more far-reaching moral power. To that end they aimed to introduce more preaching into the service and to simplify ceremonies, — to do away with the surplice, with the ring in the marriage service, with the sign of the cross in baptism, and perhaps with the prayer-book. Most of them did not care to change radically the *government* of the English Church, but some among them spoke with scant respect of bishops.

The Independents, or "Puritans of the Separation," believed that there should be no national church, but that religious societies should be wholly *separate* from the state. They wished each local religious organization a little democratic society *independent* in government even of other churches. To all other sects the Separatists seemed the most dangerous of radicals, — mere anarchists in religion. They had been persecuted savagely by Queen Elizabeth, and some of

Puritanism

" Low-  
church "  
PuritansAnd the  
SeparatistsThe Pil-  
grims in  
Holland



their societies had fled to Holland. In 1608, early in the reign of James, one of their few remaining churches — a little congregation from the village of Scrooby — managed to escape to that same land, “wher they heard was freedome of Religion for all men”:—

“ . . . a countrie wher they must learn a new language and get their livings they knew not how . . . not acquainted with trades or traffique, by which that countrie doth subsist, but . . . used to a plaine countrie life and the inocente trade of husbandrey.”<sup>1</sup>

They first settled in Amsterdam, but had no sooner begun to feel safe in some measure, through toil and industry, from “the grime and grisly face of povertie coming upon them like an armed man,” than it seemed needful to move again, this time to Leyden; and

“being now hear pitchet, they fell to such trades and imployments as they best could, valewing peace and their spirituall comforte above all other riches . . . injoyinge much sweete and delightfull societie . . . in the wayes of God” . . . but subject to such “greate labor and hard fare” that “many that desired to be with them . . . and to enjoye the libertie of the gospell . . . chose the prisons in England rather than this libertie in Holland.”

After some ten years in Holland, the Pilgrims decided to remove once more, to the wilds of North America. Bradford gives three motives for this: an easier livelihood, especially for their children; the removal of their children from what they considered the loose morals of easy-going Dutch society; and the preservation of their religious principles:—

“Old age beganne to steale on many of them (and their greate and continuall labours . . . hastened it before the time). And many of their children that were of the best dispositions and gracious inclinations, haveing learnde to bear the yoke in their youth, and willing to bear parte of their parents burdens, were often times so oppressed with heavie labours that . . . their

<sup>1</sup> William Bradford, in his *History of Plymouth Plantation*. The quoted passages in the following paragraphs upon Plymouth are from this source when no other authority is mentioned.

Reasons for  
removal to  
America

bodies . . . became decreped in their early youth, the vigour of nature being consumed in the very budd, as it were.

“But that which was . . . of all sorrows most heavie to be borne, — many of their children, by these occasions and the greate licentiousnes in that countrie, and the manifold temptations of the place, were drawn away . . . into extravagante and dangerous courses, tending to dissolutenes and the danger of their souls.”

Winslow (another Pilgrim historian) puts emphasis on a fourth reason, — a patriotic desire to establish themselves under the English flag, — one of their chief griefs in Holland being that their children intermarried with the Dutch and were drawn away from their English tongue and manners.

Of these four motives, the religious one was beyond doubt the weightiest. In Holland, there was no growth for their Society. It would die out, as the older members passed off the scene; and with it would die their principles. But, if they established themselves in a New World, “a greate hope and inward zeall they had of laying some good foundation for the propagating and advancing the gospell of the kingdome of Christ in those remote parts of the world; yea, *though they should be but even as stepping-stones unto others* for the performing of so greate a work.”

The religious  
motive

From the London Company the Pilgrims secured a grant of land and a charter; and, by entering into partnership with another group of London merchants, they secured the necessary money. For many months, says Bradford, this opening business was “delayed by many rubbs; for the Virginia Counsell was so disturbed with factions as no bussines could goe forward.” But when Sandys and the Puritan faction got control in that Company, the matter was quickly arranged, — the more quickly, perhaps, because Brewster, one of the Pilgrim leaders, had been a trusted steward of a manor belonging to the Sandys family.

The grant  
from the  
London  
Company

The seventy “merchant adventurers” who furnished funds, subscribed stock in £10 shares. Captain John

Smith says that by 1623 they had advanced more than \$200,000 in modern values. Each emigrant was counted as holding one share for "adventuring" himself. That is, the emigrant and the capital that brought him to America went into equal partnership. Each emigrant who furnished money or supplies was given more shares upon the same terms as the merchants. For seven years all wealth produced was to go into a common stock, but from that stock the colonists were to have "meate, drink, apparell, and all provissions." The partnership was then to be dissolved, each colonist and each merchant taking from the common property according to his shares of stock.

The arrangement was clumsy, because it involved a system of labor in common; but it was generous toward the settlers. Penniless immigrants to Virginia became "servants," as separate, helpless individuals, to work for seven years under overseers and at the end of the time to receive merely their freedom and some wild land. The penniless Pilgrims were "servants" for a time, in a sense; but only as one large body, and to a company of which they themselves were part: and their persons were controlled, and their labors directed, by officers chosen by themselves from their own number. The settlers, it is true, felt aggrieved that the merchants did not grant them also for themselves one third of their time, together with the houses they might build and the land they might improve. But it is clear now that under such an arrangement the merchants would have lost their whole venture. As it was, they made no profit.

Two heart-breaking years dragged along in these negotiations with the Virginia Company and the London merchants; and the season of 1620 was far wasted when (September 16) *the Mayflower* at last set sail. Most of the congregation stayed at Leyden to await the outcome of this first expedition, and only 102 of the more robust embarked for the venture.

They meant to settle "in the northern part of Virginia," — somewhere south of the Hudson. But the little vessel was tossed by the autumn storms until the captain lost his

Partnership  
with London  
merchants

The May-  
flower



reckoning; and they made land, after ten weeks, on the bleak shore of New England, already in the clutch of winter (November 21). The tempestuous season, and the dangerous shoals off Cape Cod, made it un-  
Settlement  
at Plymouth
wise to continue the voyage. For some weeks they explored the coast in small boats, and finally decided to make their home at Plymouth; but it was not till the fourth day of January (New Style) that they "beganne to erecte the first

In y<sup>e</sup> name of god Amen we whose names are underwritten  
 the loyal subjects of our dread sovereign Lord King James  
 by y<sup>e</sup> grace of god, of great Britaine, France, & Ireland King  
 Defender of y<sup>e</sup> faith, &c.

Having undertaken, for y<sup>e</sup> glorie of god, and advancement  
 of y<sup>e</sup> christian <sup>faith</sup>, and honour of our king & countrey, a voyage to  
 plant y<sup>e</sup> first Colonie in y<sup>e</sup> Northern parts of Virginia: Do  
 by these presents solemnly & mutually in y<sup>e</sup> presence of god, and  
 one of another, Covenant, & combine our selves together into a  
 civill body politicke, for ~~our~~ better ordering, & preservation & sur-  
 therance of y<sup>e</sup> ends aforesaid; and by vertue hereof to enacte,  
 constitute, and frame such just & equal lawes, ordinances,  
 Acts, constitutions, & offices, from time to time, as shall be thought  
 most meete & convenient for y<sup>e</sup> generall good of y<sup>e</sup> Colonie: unto  
 which we promise all due submission and obedience. In witness  
 whereof we have here under subscribed our names at Cap-  
 Codd y<sup>e</sup> 11. of November in y<sup>e</sup> year of y<sup>e</sup> raigne of our sovereign  
 Lord King James of England, France, & Ireland y<sup>e</sup> eighth  
 and of Scotland y<sup>e</sup> fifth fourth An<sup>o</sup> Dom. 1620

THE MAYFLOWER COMPACT. From the original manuscript of Bradford's  
 Plymouth Plantation.

house, for commune use, to receive them and their goods."

Meantime, they had adopted *the Mayflower Compact*. The charter from the Virginia Company had provided that they should be governed by officers of their own  
The  
Mayflower  
Compact
choosing. That grant, however, had no force outside Virginia; and "some of the strangers" among them let fall mutinous speeches," threatening "to

<sup>1</sup> Part of the expedition had joined it in England, without previous connection with the Leyden congregation. They had also a few "servants."



use their own libertie." To prevent such anarchy, the Pilgrims, before landing, drew up and signed a "*Compact*," believing "that shuch an acte by them done . . . might be as firme as any patent."

This famous agreement has sometimes been called, carelessly, a written constitution of an independent state. This it is not. It does not hint at independence, but expresses lavish allegiance to the English crown. And it is not a constitution though it does resemble a preamble to one: it does not determine what officers there should be, or how or when they should be chosen, or what powers they should have. The signers declare their intention (in the absence of established authority) to maintain order by upholding the will of the majority of their own company.

A prelude  
to many  
such agree-  
ments in  
America

And herein lies the peculiar distinction of this document. It is the first of a long series of similar agreements in America, in regions where settlement has for a time outrun government, — first, on the coast of Maine and New Hampshire, then in the woods of Kentucky and Tennessee, then on the prairies of Illinois and Iowa, and very recently in Western mining camps. Rare among other peoples, this characteristic and saving American genius for finding a basis for law and order in the supremacy of the *common* will dates from these early, humble English settlers at Plymouth.

The way in which the new government was put in action is told by Bradford in few words: —

"Then [as soon as the compact had been signed, while still in the Mayflower cabin] they choose, *or rather confirmed*, Mr. John Carver their Gouvernor for that year. [Carver had probably been made governor before, under authority of the charter; such action would now need to be "confirmed."] And after they had provided a place for their goods . . . and begunne some small cottages, as time would admitte, they mette and consulted of lawes and orders."

Expectations of quick-won wealth in America still dazzled men's minds. In 1624 Captain John Smith wrote: "I

promise no Mines of gold; yet, . . . New England hath yeelded already, by generall computation, £100,000 at least in the fisheries. Therefore, honourable countrymen let not the meanness of the word *fish* dis-  
Expectations  
of wealth  
 taste you, for it will afford as good gold as the Mines of Guiana, or Potassie, with less hazard and charge, and more certainty." Individual traders, too, had sometimes made sudden fortunes in the fur trade. Accordingly, the Pilgrims expected to give most of their energies to these sources of magic riches. Pastor Robinson wrote, as late as June 14, 1620: "Let this spetially be borne in minde, that the greatest parte of the collonie is like to be imployed constantly, not upon dressing ther perticular lands, and building houses, but upon fishing, trading, etc."

Such delusions faded quickly before stern facts. The first months, in particular, were a time of cruel  
Disappoint-  
ments and  
hardships  
 hardship. Says Bradford, —

"Now, summer being done, all things stand upon them with a wetherbeaten face; and the whole countrie, full of woods and thickets, represented a wild and savage hiew. . . . In 2 or 3 months time, halfe their company dyed . . . wanting houses and other comforts; [and of the rest] in the time of most distres, ther was but 6 or 7 sound persons" to care for all the sick and dying.

Of the eighteen married women who landed in January, May found living only four. The settlement escaped the tomahawk that first terrible winter only because a plague (probably the smallpox, caught from some trading vessel) had destroyed the Indians in the neighborhood. But when Spring came and the *Mayflower* sailed for England, not one person of the steadfast colony went with her. In Holland they had carefully pondered the dangers that might assail them, and had highly concluded "that all grate and honorable actions must be enterprised and overcome with answerable courages."

For many years more the settlement had a stern struggle for bare life. For the fur trade, of course, the inexperienced Pilgrims were wholly unfit; and, in any case, to set up a

permanent colony, with women and children, called pressingly for attention to raising food and building homes. The "supplies" expected from the London partners came, from year to year, in too meager measure to care even for the new immigrants who appeared along with them; and the crops of European grains failed season after season. Fortunately, during the first winter, the colonists found a supply of Indian corn, for seed, and a friendly native to teach them how to cultivate it; and the old cornfields of the abandoned Indian villages saved them the formidable labor



PILGRIMS GOING TO "MEETING." From the painting by Boughton.

of clearing away the forest. The slow progress, even then, toward a secure supply of food is shown vividly in a letter from Edward Winslow at the end of the first year: —

"We have built seven dwelling houses, and four for the use of the plantation [for *common* use, that is, as storehouses, etc.], and have made preparation for divers others. We set, the last spring, some twenty acres of Indian corn, and sowed some six acres of barley and pease. . . . God be praised, we had good increase of [the] Indian corn, and of our barley, *indifferent* good, but our pease *not worth the gathering*." [Winslow explains this failure of the European seed by the colonists' ignorance of the seasons in America.]



In the first year, then, the settlers had built only eleven rude cabins and had brought only twenty-six acres of land into cultivation. Winslow was writing to a friend in England who expected soon to join the colony. The following advice in the same letter suggests forcefully some features of life in the new settlement : —

“Bring every man a musket. . . . Let it be long in the barrel, and fear not the weight of it; for most of our shooting is from stands [rests]. If you bring anything for comfort [that is, anything more than bare necessities], butter or sallet oil . . . [is] very good. . . . *Bring paper and linseed oile for your windows,* and cotton yarn for your lamps [for wicks].”

For long the governor's most important duty was to direct the work in the fields — where he toiled, too, with his own hands, along with all the men and the larger boys. But even among these “sober and godly men” the system of industry in common proved a hindrance : —

Failure of  
industry in  
common

“For this communitie was found to breed much confusion and discontente, and retard much imployment that would have been to their benefite and comforte. For the yung-men, that were most able and fitte, . . . did repine that they should spend their time and strength to worke for other mens wives and children. . . . The aged and graver men, to be ranked and equalised in labours and victuals, cloaths, etc., with the younger and meaner sorte, thought it some indignitie and disrespect unto them. And for mens wives to be commanded to doe service for other men, as dressing their meate, washing their cloaths, etc., they deemed it a kind of slaverie; neither could many husbands well brooke it.”

In the third year, famine seemed imminent. Then Governor Bradford, with the approval of the chief men of the colony, set aside the agreement with the London partners in this matter of common industry, and assigned to each family a parcel of land “for the time only.” Such trade and fishery as were carried on remained under common management; and even these parcels of land did not then become



private property. Only their temporary *use* was given. But, says Bradford, "This had very good success," —

"for it made all hands very industrious, so as much more corne was planted then other waise would have been, by any means the Governour or any other could use. . . . The women now wente willingly into the field, and tooke their litle-ons with them to set corne, which before would aledge weakness . . . whom to have compelled would have bene thought great tiranie."

For other reasons, too, the danger of failure passed away. The Pilgrims were learning to use the opportunities about them. In 1627, when the partnership was to have expired, little had been done, it is true, toward repaying the London merchants. But the beginning of a promising fur trade had been secured; and Bradford, with seven other leading men, offered to assume the English debt if they might have control of this trade to raise the money. This arrangement was accepted by all parties. It took Bradford fourteen years more to pay the merchants. But meantime the merchants *at once* surrendered their claim upon the colony; and the lands, houses, and cattle were promptly divided among the settlers for private property.

The political development of Plymouth may be summed up briefly. Governor Carver died during the first spring. The next governor, William Bradford, was re-elected year after year until his death, in 1657, except for five years when he absolutely refused to serve. *The Assembly was the essential part of the government.* For many years it was, in form, merely a town meeting, — a mass meeting of the voters of one small village. Soon after 1630, other settlements grew up in the colony, but even then the Assembly continued for a time to be a meeting of all male citizens, held in the oldest town. However, this clumsy and unfair system could not last among Englishmen. In 1636 the three chief towns sent *representatives* to sit with the governor and Assistants to revise and codify the laws. The same device was used the next year in assessing taxes among

the towns. And in 1639 it was decided that thereafter the Assembly should be made up of such representatives, with the governor and Assistants. There was never a division into two "Houses."

As other villages grew up about the original settlement at Plymouth town, their constables and other necessary officers were at first appointed by the central Assembly. But, soon after the central government became representative, the various settlements became "towns" in a political sense, with town meetings and their own elected officers, after a method introduced just before in Massachusetts Bay (p. 88).

The first voters were the forty-one signers of the Mayflower Compact. Twenty-five adult males did not sign. Some of these were regarded as represented by <sup>The</sup> fathers who did sign, and eleven were servants or <sup>franchise</sup> temporary employees; but the absence of other names can be explained only on the ground that certain men did not wish to sign or that they were not asked to do so. Those who did sign made up the original Assembly. Thereafter, the Assembly admitted to citizenship as it saw fit. For a time it gave the franchise to nearly all men who came to the colony. But in 1660 a law required that new voters must have a specified amount of property; and after 1671 the franchise was restricted further to those who could present "satisfactory" proof that they were "sober and peaceable" in conduct and "*orthodox in the fundamentals of religion*." In practice, this limited the franchise to church members.

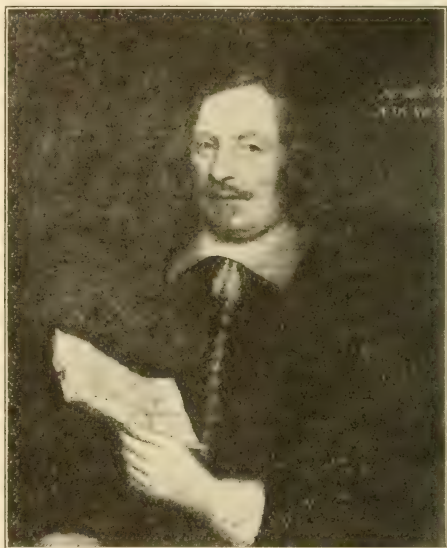
*Political democracy at Plymouth was an outgrowth of economic and social democracy.* There were no materials for anything else but democracy. Robinson, in a <sup>The causes of political democracy</sup> farewell letter (Pastor Robinson remained with the main congregation at Leyden), regards it a misfortune that the Pilgrims "are not furnished with any persons of speciall eminencie above the rest, to be chosen into offices of governmente." Had such persons been present, public feeling would probably have made them an aristocracy of office. In that day, democracy rarely went further than to suggest that common men ought to have a voice in *select-*

ing their rulers: the actual rulers were to be selected from the upper classes. But in Plymouth no one was rich, even by colonial standards; and, more than in any other important colony, all the settlers came from the "plain people." Hardly any of them except Winslow and Standish would have ranked as "gentlemen" in England. Bradford, there, would have remained a poor yeoman, and John Alden a cooper.

But, in even greater degree, democracy in politics at Plymouth resulted from democracy in the church, — and this ecclesiastical democracy *was* the essence of the Pilgrim experiment. *Plymouth was, first, a religious society; then, an economic enterprise; and, last, and incidentally, a political commonwealth.*

Plymouth never secured a royal charter, and its government remained upon the basis of the Mayflower Compact until

King William III annexed the colony to Massachusetts in 1691. Nor did the early settlers have legal title to their land. In 1630, however, the proprietary New England Council granted the territory to Bradford *as trustee* for the colony. Bradford kept the grant until he and his seven associates had paid off the huge debt they had assumed



GOVERNOR EDWARD WINSLOW, at the age of 57. From a portrait (now in Pilgrim Hall, Plymouth) painted in England in 1653 while Winslow was detained there on a diplomatic mission, to arrange relations between Plymouth and the new Puritan Commonwealth. This was one of his four missions to England. Bradford was the administrative head of Plymouth; Standish, its military chief; Winslow, its statesman and man of affairs. He is the only Pilgrim of whom we have an authentic portrait.



for the colony. Then, in 1641, with solemn ceremony, he surrendered his rights to the whole body of settlers. The colony then gave legal titles to the assignments of land it had previously made.

The colony grew slowly, counting less than three hundred people in 1630, when the great Puritan migration to Massachusetts Bay began. The Puritan colonies, <sup>Place in</sup> then established, grew much faster and taught <sup>history</sup> more important lessons in politics and economics. Plymouth had little *direct* influence, in either of these ways, upon later American history. It did have a large part in directing the later Puritan colonies, much against their first intention, toward church independency and so toward religious democracy; but its immediate service, after all, lay in pointing the way for that later and greater migration. This the Pilgrims did; and with right their friends wrote them later, when the little colony was already overshadowed by its neighbors, — “*Let it not be grievous to you that you have been but instruments to break the ice for others: the honor shall be yours till the world’s end.*”



## CHAPTER IV

### MASSACHUSETTS BAY

#### I. THE FOUNDING

*God hath sifted a nation, that he might send choice grain into this wilderness.* — WILLIAM STOUGHTON, “*Election Sermon*,” in 1690.

ONE of the several partnerships of English merchants engaged in the New England fisheries (and so in establishing subsidiary stations along the coast) finally became incorporated as *The Company for Massachusetts Bay*. In the spring of 1628 this Company bought from the New England Council the territory between the Charles and the Merrimac rivers (extending west to the Pacific), and during the summer it sent out sixty settlers under *John Endicott*, a well-known Puritan gentleman, to a station near Cape Ann. A few “old settlers” there were at first inclined to dispute Endicott’s authority, but finally they recognized him peaceably as head of the settlement — to which accordingly he gave the Hebrew name *Salem* (Peace).

A year later (March 14, 1629), the Massachusetts Company secured a charter from King Charles. At the time this “*First Charter of Massachusetts Bay*” (as it came to be called later) was merely a grant to the commercial proprietary company in England. It confirmed their title to the land they had bought from the New England Council, and it gave them jurisdiction over settlers, similar to the authority possessed by other colonizing companies in England, *though more restricted*. It did not authorize capital punishment, martial law, control over immigration, or coinage of money, though all these powers were later exercised under it.

The Company now busied itself diligently in collecting supplies of all sorts and in seeking out desirable emigrants of various trades. In May of 1629 it sent out its second expedition, of some 200 settlers, led by Francis Higginson, a Puritan minister. Soon after, a Puritan church was organized in Salem.

So far the history of the colony is like that of other commercial plantations. Most of the settlers were "servants," and rather a worthless lot. The chief men were Puritans because it was easier just then for an emigration from England to find fit leaders among the Puritans than among other classes; and the proprietary Company was Puritan, on the whole, because almost the whole merchant class in England was Puritan. But there is no evidence that anyone was planning, as yet, to build a Puritan colony. *Later in this same summer of 1629, however, a new colonizing movement began, with that special purpose.*

This new movement was due to a new danger to Puritanism in England. For years, despite the strenuous efforts of the Puritans, the English Church had been carried farther and farther away from their ideals. Bishop Laud, the tireless leader of the High-church movement, was ardently supported by King Charles. All high ecclesiastical offices had been turned over to Laud's followers; and his "High Commission" court, with dungeon and pillory, was now ready to drive Puritan pastors from their parishes.

The Puritans had rested their hope upon parliament. They made the great majority in the House of Commons; and with the meeting of the third parliament of Charles (1628), their reform seemed on the verge of success. That parliament extorted the King's assent to the famous "Petition of Right"; and, in the winter of 1629, it began vigorously to regulate the Church. But the King struck a despotic blow. March 2, he dissolved parliament, sent its leaders to the Tower, and entered upon a system of absolute rule. For eleven

The coloniz-  
ing move-  
ment  
becomes  
Puritan

Discourage-  
ment of the  
Puritans in  
England

years no parliament was to meet in England. Religious reform and political liberty had gone down in common ruin, the end of which no man then could see. The gloom of English Puritans at this outlook is expressed in a letter (June, 1629) from John Winthrop in London to his wife at their manor house:—

“I am verily persuaded God will bringe some heavye Affliction upon this Land, and that speedyllye.” The times, he continues, grow worse and worse; all the other churches (outside England) have been smitten and made to drink the cup of tribulation even unto death. England, seeing all this, had not turned from its evil ways. “Therefore He is turninge the Cuppe towards us also, and because we are the last, our portion must be to drink the verye dreggs.”

The continent of Europe offered no hope. Every form of Protestantism there seemed doomed. Wallenstein's victorious troopers were turning the Protestant provinces of Germany into wilderness homes for wild beasts; and in France the all-powerful Richelieu had crushed the Huguenots. Accordingly, the more dauntless of the English Puritans turned their eyes to the New World. And there they saw a marvelous opportunity. At Plymouth was the colony of the Separatists, not large, but safely past the stage of experiment; while close by was the prosperous beginning of a commercial colony controlled by a Puritan company in England and managed on the spot by well-known Puritans like Endicott and Higginson. How natural to try to convert this Massachusetts into a refuge for Low-church Puritanism, such as Plymouth already was for “Puritans of the Separation.”

But the leaders of this new movement had no idea of becoming part of a mere plantation governed by a distant proprietary company, however friendly. They were of the ruling aristocracy of England,—justices of their counties, and, on occasion, members of parliament. And so a number of them gathered, by long horseback journeys, and signed the

The Cambridge Agreement, August, 1629



famous *Cambridge Agreement* (August 25), promising one another solemnly that they would embark for Massachusetts with their families and fortunes, *if they could find a way to take with them the charter and the "whole government."* A proposal to transfer the government of the Company to America had been made a month before at the July meeting of the Company in London. The plan was novel to most of the members; but in September, after repeated debates, it was approved. Commercial motives faded beside the supreme desire to provide a safe refuge for Puritan principles.

The new men of the Cambridge Agreement now bought stock; many old stockholders drew out; the old officers resigned, since they did not wish to emigrate; and John Winthrop, the most prominent of the new men, was elected "governor" (October, 1629). The next spring, *Winthrop led to Massachusetts a great Puritan migration*, — the most remarkable colonizing expedition that the world had ever seen. For the first time a proprietary corporation removed to its colony. *Colony and corporation merged*. Massachusetts became a *corporate colony* and a *Puritan commonwealth*.

A "corporation colony" with the charter in America

In May, 1629, Endicott had a hundred settlers at Salem. In June, when Higginson arrived with two hundred more, another plantation was begun at *Charlestown*.<sup>1</sup> Now, in the summer of 1630, seventeen ships brought two thousand settlers to Massachusetts, and six new towns were started, — Boston, Dorchester, Watertown, Roxbury, and minor settlements at Lynn (Saugus) and Newtown, afterward Cambridge (map, p. 99).

John Winthrop's settlement in 1630

But the immigrants found conditions sadly different from their expectations. Two hundred returned home in the

<sup>1</sup> The next winter slew nearly a third of the colonists; and in June of 1630 Winthrop found the survivors starving and demoralized. Four fifths of them were servants of the company; but they had accomplished nothing, and Winthrop thought it cheaper to free them than to feed them. There were also seven other little settlements along the coast — like that of Blackstone at Boston — with a total population of some fifty souls, remnants of the commercial attempts mentioned above.



ships that brought them, or sought better prospects in other colonies; and two hundred more died before December. Immediately on his arrival, Winthrop, in Early hardships fear of famine before the next summer, wisely hurried back a ship for supplies. Its prompt return, in February, saved the colony. According to one story, Winthrop had just given his last measure of meal to a destitute neighbor. Meantime the deserters spread such discouragement in England that for the next two years emigration to Massachusetts ceased. In 1633, however, it began again. Soon after, the King seemed for a time to have established a legal claim to the power of arbitrary taxation (in the famous "ship-money" controversy). This gave new impetus to the Puritan emigration, and it went on, at the average volume of three thousand people a year, until the Long Parliament was summoned.

Thus the eleven years of "No Parliament" in England saw twenty-five thousand selected Englishmen transported to New England. This was the "*Great Migration*" of 1630-1640. In 1640 the movement stopped short. Says Winthrop, "The parliament in England setting upon a general reformation both in church and state, . . . this caused all men to stay in England *in expectation of a New World*" there. Indeed, the migration turned the other way; and many of the boldest and best New England Puritans hurried back to the old home, now that there was a chance to fight for Puritan principles there. Winthrop's third son and one of his nephews went back and rose to the rank of general under Cromwell, while the Reverend Hugh Peter, — rather a troublesome busybody in the colony, — became Cromwell's chaplain. Such facts help us to understand that the larger figures on the small New England stage, like Winthrop and his gallant son John Winthrop, Jr., were fit companions for the greatest actors on the great European stage in that great day.

The sudden stop in immigration caused serious industrial depression. Until that time the colony had been unable to raise sufficient supplies for its use. Newcomers brought money with

them, and gladly paid for cattle and food the price in England plus the cost of transportation. In an instant this was changed. The colony had more of such supplies than it could use, and high freights made export impossible. Both Bradford and Winthrop lament the fall in prices, — for a cow from £20 to £5, etc., — without very clear ideas as to its cause. The phenomenon has been repeated many times on our moving frontier.

New England had no further immigration of consequence until after the Revolution. But this coming of the Puritans, during England's ten hopeless years, is one of the fruitful facts in history. The twenty-five thousand are the ancestors of perhaps a sixth of our population to-day; and we owe to them much more than a sixth of our higher life in America. Said an old Puritan preacher, with high insight, "God hath sifted a nation, that he might send choice grain into this wilderness." That sifting took place just when England had been lifted to her loftiest pitch of moral grandeur, during the most heroic episode of her most heroic century, and the "choice grain" has given to America not only the troublesome "New England conscience" but also that finer thing, a share in the Puritan's faith in ideals.

True, motives were not unmixed. The twenty-five thousand were not all Puritans; and the Puritans were not all saints. Some little communities were made up wholly of rude fishermen. Old Cotton Mather tells how a preacher from another town, visiting Marblehead and praising the devotion of the people to religious principle, was interrupted by a rough voice, — "You think you are talking to the people of the Bay: *we* came here to catch fish." Then the Puritan settlements themselves contained many "servants." Winthrop alone brought in his "household" some twenty *male* servants, several of whom were married. Many of this servant population were a bad lot, with the natural vices of an irresponsible, untrained, hopeless class. On the voyage, cheats and drunkards from among them had to

And its  
influence on  
American  
history

Other  
motives  
besides the  
religious

receive severe punishment; and, arrived in America, the better ones were sometimes demoralized. They saw vaster chance for free labor than they had ever dreamed — but they had ignorantly bound themselves to service through the best years of life. Brooding on this led some to crime or suicide.

The great body of the Puritans themselves had been shopkeepers, artisans, and small farmers in England. They were plain, uneducated men who *followed* a trusted minister or an honored neighbor of the gentry class. In the main they came, not to build an ideal state, like their leaders, but merely to get away from the pressure of poverty. They had felt keenly the force of Winthrop's plea: —

“This Land growes weary of her Inhabitants, soe as man, who is the most pretious of God's creatures, is here . . . of less prise among us than an horse or a sheepe . . . Why then should we stand striving here . . . (many men spending as much labour and coste to . . . keepe an acre or tuoe of Land as would procure many hundred as good or better in another Countrie) and in the meantime suffer a whole Continent, fruitfull and convenient, to lie waste?”

Nor were the greatest of the Puritans moved by religious motives only. They, too, expected to better their worldly condition. Even John Winthrop had been induced to emigrate, in part, by the decay of his fortune in England. As he explained, in the third person, to his friends, “His meanes heer are soe shortened as he shall not be able to continue in the same place and callinge [as before]; and so, if he should refuse this opportunitye, *that talent which God hath bestowed upon him for publick service were like to be buried.*” Many others of the 1630 migration had been deluded by “the too large commendations” of New England which Higginson had sent back in the preceding summer.

But when these dreams faded, the more steadfast spirits did not falter, but showed bravely the higher aims that moved them most. After the first hard months Winthrop



wrote back to his wife in noble strain: "I do hope our days of affliction will soon have an end . . . *Yet we may not look for great things here* . . . [But] we here enjoy God and Jesus Christ. I thank God, I like so well to be here as I do not repent my coming; and if I were to come again, I would not have altered my course though I had forseen all these afflictions." And Dudley, one of his stout-hearted companions, albeit a blunt man not fond of soft words, speaks with gentle charity of "falling short of our expectations, to our great prejudice, by means of letters sent us hence into England, wherein honest men, out of a desire to draw others to them, wrote *somewhat hyperbollically* of many things here," and adds:—

Supremacy  
of the  
religious  
motive

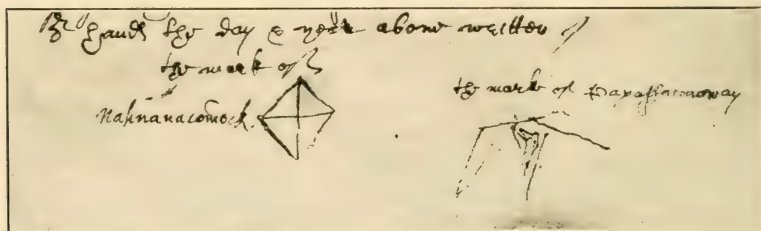
"If any come hether to plant for worldly ends, that canne live well at home, hee comits an errour of which hee will soon repent him. But if for spirittuall, and that noe particular obstacle hinder his removeall, he may finde here what may well content him: viz., materialls to build, fewell to burn, ground to plant, seas and rivers to ffish in, a pure ayer to breath in, good water to drinke till wine or beare canne be made, — which, together with the coves, hoggs, and goates brought hether already, may suffice for food; for as for foule and venison, they are dainties here as well as in England. Ffor cloaths and beddinge they must bringe them with them, till time and industry produce them here. In a word, wee yett enjoy little to bee envyyed, but endure much to bee pytyed in the sicknes and mortalitye of our people. . . . If any godly men out of religious ends will come over to helpe us . . . I thinke they cannot dispose of themselves or their estates more to Gods glory . . . but they must not bee of the poorer sort yett for diverse yeares. Ffor we have found by experience that they have hindered, not furthered the worke. And for profaine and deboshed persons, their oversight in comeinge hether is wondered at, where they shall finde nothing to content them."

After the first winter the colony was never in danger of absolute ruin; but the settlers long suffered more than the common hardships of a frontier. They did not take naturally to pioneer life as our later back-woodsmen did. They had no love for the wilderness, nor

Not natural  
pioneers



could they adapt themselves readily to its new requirements. But they had soberly and prayerfully committed life, family, and fortune to a daring experiment, and, like the Pilgrims, they too met disaster "with answerable courages." Men, who had left stately ancestral manor houses, took up life calmly in rudely built log cabins, and never looked backward. Famous ministers, who came from the loveliest parish churches in peaceful England, preached and gave the communion, and married, baptized, and buried, in bleak, barn-like "meeting-houses," where each male worshiper brought his musket. A pitiable proportion of the babies died, year by year, in the harsh climate and draughty



"MARKS" OF NAHNANACOMOCK AND PASSACONAWAY, affixed to a covenant submitting to an order of the General Court; dated June 12, 1644. From the Massachusetts State Archives.

houses, and a shocking number of brave, uncomplaining, over-burdened women "but took New England on the way to Heaven."

Sparks from the mud-plastered fireplaces and chimneys set many a fire. Winthrop's "Journal" speaks repeatedly of such loss — home, barn, hay, and stock, often in the dead of a winter night; and Captain John Smith chances to mention that at Plymouth in the third winter seven of the thirty-two homes burned down. Wolves killed the calves of this or that settler, — a serious disaster when most stock had still to be brought from England. Men, and sometimes women, were lost in short trips through the woods, and found frozen to death. Inexperienced fishermen were caught by storms and swept away to sea. Amid all this, the gentry kept up as much as they could of the old

Early  
hardships

English stateliness. They trod brier-tangled forest paths, clad in ruffles, silk hose, long cloak, and cocked hat, and solemnly exchanged garments, in token of friendship, with painted savages who now and then stalked haughtily into the villages to dine with the chief men.

Slowly, too, the colony worked its way to a rude comfort. In 1670 a Boston schoolmaster, Benjamin Thompson, pictures for us how —

Progress to  
rude  
comfort

“the dainty Indian maize  
Was eat with clam shells out of wooden trays,  
Under thatched huts without the cry of rent,  
And the best sauce to every dish — Content.”

From the first New England furnished a variety of employments. Every free man had his plot of ground, and the “gentlemen” soon tried — not very successfully — to farm large plantations with indentured servants. The stony soil forced the settlers at once to take up

Varied  
occupations



THE CRADOCK HOUSE (1636) AT MEDFORD. This is the oldest brick house in the United States. With the exception of the porch it is in the same condition as in colonial times. Cradock was the first governor (president) of the Massachusetts Company in England. He never came to America, but he did try for a time to till some large grants of land there by bands of indentured servants. These grants were made him in recognition of his services in England.

other work also. Each family raised a few pigs, to supply the pork-barrel — and the straying and trespasses of these unruly brutes was an incessant source of annoyance and even of dissension. As soon as possible, men began also to breed cattle. The fisheries furnished some profitable export to England, to



A KETTLE, now in the Lynn Library, said to be the first casting made in America — at the Lynn (Saugus) Iron Works in 1642. Note the graceful lines. In 1648 the Lynn Iron Furnace turned out eight tons a week.

help pay for European supplies; and from the woods that reached to their doors, the settlers fashioned staves and clapboards both for home use and for export. Mills to grind grain appeared here and there, where streams provided water power. And, in the second year, New England's famous ship-building and coasting trade began, when Winthrop launched *The Blessing of the Bay* — a small schooner, which traded for furs with the Indians and with English settlements along the coast, from the Kennebec to the Connecticut. Very early some primitive "iron works" began to extract iron from the easily worked "bog" deposits,

and to "cast" simple implements. In 1646 the Massachusetts General Court gave a patent to Joseph Jenks for certain improvements on the scythe which gave that tool its modern form. Brick kilns were among the early industries. The first saw-mill did not appear until 1663 — at



Salmon Falls in New Hampshire. Soon at many points such mills were turning the forest about them into rough lumber for export to England, while, at clearings remote from water power, the logs were burned into potash, or pearl ash. Potash in that day was indispensable in manufacturing woolen goods and glass and in making soap, and all through the colonial period large amounts were sent to Europe.

For a time, there was danger that England might interfere with the Massachusetts experiment. The colony's land, which had been bought from the New England Council in 1628, was part of a tract granted earlier by that body to Gorges (p. 47). Probably the trouble came merely from ignorance of American geography. The Massachusetts charter of 1629 (from the King) strengthened the colony's title; and in 1631 the colonial government arrested two of Gorges' agents, and, after severe handling, shipped them back to England.

Danger of  
English  
interference

Gorges finally got the matter before the King's Council, and that body ordered the leaders of the original Massachusetts Company to produce the charter and explain these acts of the colonial government. *When it was discovered that the charter was in America*, a series of peremptory demands were sent to the authorities there for its return, and legal processes were begun in the English courts to overthrow it. Meantime, in 1635, the New England Council surrendered its charter, and *Charles appointed Gorges "governor general" over all New England*. Gorges began to build a ship and to get together troops.

The leaders in Massachusetts did not weaken. After consulting with the ministers, it was agreed, "that, if a general governor were sent, we ought not to accept him, but defend our lawful possessions (if we are able); otherwise, *to avoid or protract*." At its next meeting the General Court voted a tax of £300 (many times larger than had before been known in the colony), and began a series of fortifications, *not* on the frontier against the Indians, but on the coast to resist an English ship. *Bullets were made legal tender in*



place of small coin; and a committee was appointed "to manage any war that may befall," with power to establish martial law. No one thought of sending back the charter. Quaint excuses were sent in plenty; and, when these wore thin, the royal orders were quietly ignored, and, at last, openly defied.

This policy of "protracting" won. Gorges' ship was ruined by an accident in launching, and he could not get money to build another or to keep his troops together. The King, economizing rigidly in the midst of the "ship-money" troubles, would give commissions, but no gold. The English courts did finally declare the charter void (1638); but the ship that brought word of this brought news also of the rising of the Scots, and the colony "thought it safe" bluntly to refuse obedience to the "strict order" for the surrender of the document, even hinting rebellion. In England, matters moved rapidly to the Civil War, and Massachusetts was left untroubled to work out her experiment. After the Restoration in England, *the legal authorities there decided that, since the charter had not actually been surrendered, the process against it was ineffective.*

## II. ARISTOCRACY VS. DEMOCRACY

The Puritan fathers did not find it easy to stretch the charter of a merchant company into a constitution for a commonwealth—especially as that commonwealth was pulled now this way, now that, by contending aristocratic and democratic factions. *Early Massachusetts was predominantly aristocratic.* The charter provided that all important matters of government should be settled by the stockholders ("freemen") in four "General Courts" each year. But only some twelve freemen of the corporation had come to America. These were all of the gentry class, — men of strong character and, most of them, of prudent judgment. Before leaving England, they had all been made magistrates (governor, deputy governor, and

“Assistants”). Even without such office, and merely as freemen, the twelve had sole authority to rule the two thousand settlers and to make laws for them; and the little oligarchy began at once to use this tremendous power. The first meeting of Assistants in America fixed the wages of laborers, forbidding a carpenter or mason to take more than two shillings a day.

*From the first a democratic movement challenged this oligarchic government.* The first General Court was held in October, 1630. By death and removal, the twelve possessors of power had shrunk to *eight*. These eight gentlemen found themselves confronted by a gathering of one hundred and nine sturdy settlers asking to be admitted freemen. This was a united demand for citizenship, by nearly all the heads of families above the station of unskilled laborers. To refuse the request was to risk the wholesale removal of dissatisfied colonists either to Maine, where Gorges would welcome them, or to Plymouth; to grant it was to endanger the peculiar Puritan commonwealth at which the leaders aimed, and to introduce more democracy than they believed safe.

Challenged  
by a democratic  
movement

In this dilemma, the shrewd leaders tried to give the shadow and keep the substance. They postponed action on the application until the next spring. Meantime they passed two laws — in violation of the charter: first (October, 1630), that the Assistants, instead of the whole body of freemen, should make laws and choose the governor; and second (May, 1631), that the Assistants should hold office during good behavior, instead of all going out of office at the end of a year as the charter ordered. Then they admitted 116 new freemen, having left them no power except that of electing new Assistants “when these are to be chosen.”

The applicants, in their anxiety to get into the body politic, agreed for a time to these usurpations. Indeed they did not know what their rights should be. The charter was locked in Winthrop's chest, and only the magistrates had read

it or heard it. For a year more, that little body, now shrunk to seven or eight, continued to rule the colony, admitting a few new freemen, now and then, to a shadowy citizenship.

The chief founders of New England had a very real dread of democracy. John Cotton, the greatest of the clerical

Excursus: leaders, wrote: —

the Puritan

leaders'

attitude

toward

democracy

"Democracy I do not conceive that God did ever ordain as a fit government for either church or commonwealth. *If the people be governors, who shall be governed?* As for monarchy and aristocracy, *they* are both clearly approved and directed in the Scriptures. . . ."

And the great Winthrop always refers to democracy with aversion. He asserts that it has "no warrant in Scripture," and that "among nations it has always been accounted the meanest and worst of all forms of government." At best, Winthrop and his friends believed in what they called "a mixt aristocracy": the people (*above the condition of day laborers*) might *choose* their rulers — provided they chose from still more select classes; but the rulers so chosen were to possess practically absolute power, *owning their offices* as an ordinary man owned his farm.

Calvin, the master of Puritan political thought, teaches that to resist even a bad magistrate is "to resist God." His language is followed closely by Winthrop. In 1639, after the people in Massachusetts had secured a little power, the magistrates tricked them out of most of it for a while by a law decreasing the number of deputies, so that they should not outvote the aristocratic magistrates in the Court. Some of the people *petitioned* modestly for the repeal of this law. Winthrop looked upon the petition as "tending to sedition." Said he, "When the people have chosen men, *to be their rulers*, now *to combine together* . . . in a public petition to have an order repealed . . . *savors of resisting an ordinance of God*. For the people, *having deputed others*, have no power to make or alter laws them-



selves, *but are to be subject.*"<sup>1</sup> The great founders of America were far from believing in government "*of the people and by the people.*"

The first protest against this oligarchic usurpation came, after good English precedent, upon a matter of taxation. In February, 1632, the Assistants voted a tax for fortifications. Watertown was called upon to pay eight pounds. The Watertown minister then called the people together and secured a resolution "that it was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage." Governor Winthrop at once summoned the men of Watertown before him at Boston as culprits, rebuked them for their "error," and so overawed them that they "made a retraction and submission . . . and so their offence was pardoned." Probably, however, on the walk back to Watertown through the winter night, the "error" revived. Certainly, during the next months, there was secret democratic plotting and sending to and fro among the towns of which we have no record. (Our information comes almost wholly from the brief *Colonial Records* and from Winthrop. The democrats never wrote their story.) At all events, a week before the next General Court met in May, Winthrop warned the Assistants "that he had heard the people intended . . . to desire [vote] that the Assistants might be chosen anew every year, and that the governor might be chosen by the whole court, and not by the Assistants only." These were charter provisions, of which the freemen must have heard some rumor. "Upon this," adds Winthrop's *Journal*, "Mr. Ludlow [an Assistant] grew into a passion and said that then we should have no government, but there would be an interim wherein every man might do what he pleased." In spite of such silly passion, when the General

The Water-  
town Pro-  
test, 1632

First gain  
for the  
democracy

<sup>1</sup> The quotations from Winthrop come from his *History of New England*. This has been printed only with modernized spelling. When a Winthrop quotation is given with antique spelling, it comes from his *Letters*.



Court met, the freemen calmly *took back into their own hands the annual election of governor and of Assistants*. Then they went further, and sanctioned the Watertown protest by decreeing that each town should choose *two representatives to act with the magistrates in matters of taxation*.

This was not yet representative government. The new deputies acted in taxation only: the magistrates kept their usurped power to make laws. True, the magistrates now had to come up for reelection each year, but this was little more than a polite form. No chance was given to nominate two candidates for a position, and then to choose between them. The Secretary of the Assistants made nominations — in some such form as, — “Mr. Ludlow’s term as Assistant has expired; will you have him to be an Assistant again?” On this sort of nomination the people had to vote Yes or No, *by erection of hands*. Unless they first rejected an old officer, there was no chance to elect a new one.

In spite of such drawbacks, the reform of 1632 was a democratic advance. Two years later came the second step, *the peaceful revolution of 1634*.

This movement began as a protest against “special privilege.” The Assistants had made laws to favor their own class — trying repeatedly to keep wages down to the old level of England, and ordering that swine found in grain fields might be killed. Winthrop speaks often of the high cost of food and other necessities, as compared with English prices; but he was honestly dismayed that carpenters should ask more than the old English wage. Indeed he puts the cart before the horse, and blames the higher cost of living upon the rise in wages, quite in twentieth century style. As to the swine law, — the poor man wanted his pig to find part of its living in the woods, but the rich men were not willing to fence their large fields. This matter caused harder feeling even than the wage laws.

The common freemen determined to stop some of this “class legislation.” In April, 1634, Governor Winthrop

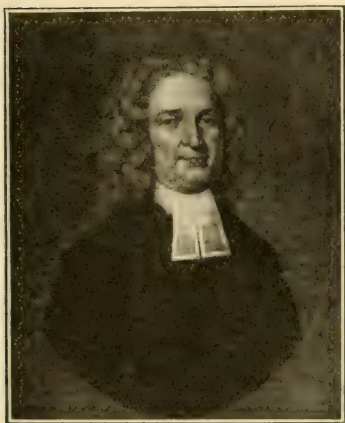
Bitter feeling against class legislation

sent out the usual notice calling all freemen to a General Court in May. Soon after, on a given day, two men from each of the eight towns met at Boston. How the meeting was arranged and the "committees" chosen, we have no record; but again there must have been much democratic planning, and many a journey through the forest, to secure this "first political convention in America."

The "convention" asked to see the charter. After reading it, they called Winthrop's attention to the fact that

*the making of laws* Introduction of Representative government, 1634  
belonged properly to the whole body of freemen (now some

200), instead of to the nine Assistants. Winthrop told them loftily that the freemen did not have men among them "qualified for such a business." He suggested, however, that perhaps they might once a year choose a committee *to make suggestions* to the Assistants. The good governor felt sure — as his "Journal" shows — that this condescension had quieted the trouble. But when the



JOHN COTTON.<sup>1</sup> From the engraving after a portrait, in Drake's *History and Antiquities of Boston*.

General Court met (*May 14*), *three deputies appeared from each of the eight towns*, to sit with the Assistants, not merely to suggest laws, but to *make* them. *Representative government had begun*.

The aristocrats had had warning that their power was in danger, and they put forward their leading clerical champion. John Cotton preached the usual sermon to open the Court, —

<sup>1</sup> Cotton could use sophistry on occasion in masterly fashion — as when he argued against free speech for certain dissenters, that [since they differed from him] they must "sin against conscience, and so it could not be against conscience to restrain them." Winthrop tells a delicious story — without any suspicion of its flavor to us — of the admission of Cotton's wife to the Boston Church. Church membership in England was no longer accepted, but a new confession of faith

“and delivered this doctrine, that a magistrate ought not to be turned into the condition of a private man without just cause [and after a formal trial], no more than the magistrate may not turn a private man out of his freehold, etc., without like public trial.” This was a claim that public office was private aristocratic property. (At another time Winthrop tells, with approval, how Cotton “showed from the Word of God that the magistracy ought to be for life.”) The answer of the freemen was to demand a ballot, instead of the usual “erection of hands,” in choosing a governor. Then they dropped Winthrop from the office he had held for four years,<sup>1</sup> and fined some of the Assistants for illegal abuse of power. They also ordered *jury trial* for all important criminal cases, and admitted 81 new freemen *whom the Assistants the day before had refused to admit*.

*The Court then made the revolution permanent.* It decreed that every General Court in future should consist (like this one) of deputies chosen by the several towns and of the governor and Assistants. Only such Courts could admit freemen, lay taxes, or *make laws*. The May Court each year was also to be a *Court of Elections*: at the opening of this Court, *all freemen* might be present, to choose governor and Assistants. For the most part, the old rulers took these changes in good part, quite in English temper; and the generous Winthrop, after recording his defeat, adds magnanimously, — “This Court made many good orders.”

A represen-  
tative  
aristocracy

*Massachusetts had now grown from a narrow oligarchy into a representative aristocracy. It was*

was required. Cotton made a lengthy and eloquent statement for himself, and then “desired the elders to question Mistress Cotton in private, and that she might not be required to give testimony in public, which was against the Apostle’s rule and woman’s modesty”; and, this being agreed to, he himself then “gave a *modest* testimony of her.”

<sup>1</sup> The aristocratic doctrine of Cotton was further rebuked by the election of a new governor for each of the two following years. Then, in a period of great trouble, the trusted Winthrop was chosen again, and kept in office by annual elections, except for five years, until his death in 1649. Even in 1634, Winthrop was chosen to the Board of Assistants; but Ludlow (page 77) was dropped altogether from the magistracy — the first action of that sort in the colony.



*still far short of a democracy. There was even more aristocracy in society than in politics.* The people were divided into five distinct classes: —

*gentlemen*, who alone had the title Master (Mr.);

*skilled artisans and freeholders*, the backbone of the colony, usually addressed as “Goodman Brown” or “Goodman Jones”;

*unskilled laborers*, for whose names no handle was needed, and for whom indeed the surname was not often used;

*servants*, who usually passed finally into the class of artisans or laborers;

*slaves*, of whom there were soon a small number, both Negro and Indian.

Gentlemen were set apart from the lower orders almost as distinctly as Lords in England were from gentlemen. In early Massachusetts, one family out of four-  
 Special  
 privileges  
 of “gentle-  
 men”  
 “people” to show subordination to these social  
 superiors was about as essential as to obey written  
 law. And the law expressly gave some privileges to the aristocracy. For instance, in 1631, Mr. Josias Plaistowe was convicted of stealing corn from the Indians. His servants — who had assisted, under orders — were condemned to be flogged; but the court merely fined Plaistowe and ordered that thenceforward he should be called “by the name of Josias, and not Mr., as formerlie.” This was severe punishment, equivalent to degrading an officer to the ranks. For another offense, Josias would no doubt be whipped, like an ordinary man. The aristocracy were always *exempt from corporal punishment* by custom; and in 1641 this exemption was put into written law. Ten years later the court declared its “utter detestation . . . that men or weomen of meane condition should take upon them the garbe of gentlemen by wearing gold or silver lace or buttons . . . or to walk in great bootes, or woemen of the same rancke to weare silke or tiffany hoodes,” and then proceeded to impose a fine of “tenn shillings for every such offense.”



*The franchise, too, was far from democratic. The voting "freemen" were a small part of the free men. The General Court of 1631, which admitted the first new free-*  
*men, ordered that thereafter only church members*  
*should be made freemen. This did not mean that all church*  
*members could vote: it meant that voters were to be selected*  
*only from church members. Unskilled laborers, servants,*  
*even slaves, were admitted to the churches, but never to full*  
*citizenship. Only about one man out of four could vote at*  
*any time in colonial Massachusetts.*

### III. DEVELOPMENT OF POLITICAL MACHINERY

The Court of 1634 voted *by ballot* when it unseated Winthrop. We know this fact from the note, "chosen by papers," in the margin of Winthrop's manuscript, opposite the name of the new governor. "Papers" were used as an aid to the democratic faction. A *secret* vote protected the voters from being over-  
 awed by Winthrop's influential friends.

This was the first *political* use of the ballot in America, though "papers" had been used once before in a *church* election at Salem. This method of voting, though not in use for parliamentary elections, was common in boroughs and in large business corporations in England.<sup>1</sup> One of these business corporations had now become a political corporation in Massachusetts; and nothing could be more natural than for it to make use of the ballot as soon as serious differences of opinion arose.

After 1635, law *required* the Court of Elections to use papers in choosing governor and Assistants. For governor each voter wrote upon his ballot the name of his  
 choice, or found some one to write it for him. But for some time the Assistants were chosen one at a time much in the old way. The Secretary nominated one of those already in office. Then the people deposited their ballots.

<sup>1</sup> See page 36 for reference to the ballot in elections of the London Company. The "rules" of that body ordered that its elections should be by ballot.

Those in favor of the nomination marked their papers with a scroll or cross — which did not call for ability to write; those opposed voted blank ballots. In 1643 the law ordered that kernels of corn should be used instead of paper ballots, — white kernels to signify election; and other colors, rejection. If the candidate were defeated, another nomination was made for his place, to be accepted or rejected in like manner. There was no opportunity, so far, to choose *between* two candidates, and the man in office still had a tremendous advantage.

The next step was to introduce the ballot in *town elections*. This was done first at Boston, in December, 1634, when a committee was chosen to divide public lands among the inhabitants. The people, says Winthrop, “feared that the richer men would give the poorer sort no great proportions of land,” and this time, too, they used the ballot to leave out the aristocratic element.

In all these cases the advantage of the ballot lay in its secrecy. But there is another way in which the ballot aids democracy. Its use makes it possible for men to vote in their own towns, in small election districts instead of being required all to come to one central point. Such an arrangement permits more voters to take part in elections. Soon the men of Massachusetts used the ballot for this purpose. In March, 1636, the General Court ordered that the freemen of six new outlying towns might send “proxies” to the next Court of Elections. During the next December, the governor resigned, and a special election was called. “In regard of the season,” any freemen were authorized “to send their votes in writing.” And the next spring (March, 1637) this method of voting for governor and Assistants was made permanent. Out of the use of proxies a true ballot in the several towns had developed.

When men came to elect the governor and Assistants in the several towns, as just described, instead of all coming to Boston for the purpose, it was necessary, of course, **Nominations** to know *in advance* from what names the choice was **for office** to be made. The old system of nomination broke down;

and the colony began to make use, sometimes of "*primary elections*," sometimes of crude "*nominating conventions*" made up of delegates from the various towns.



COLONIAL FIREPLACE AND UTENSILS, "BROAD HEARTH," SAUGUS. The house, built in 1646, was the home of the first iron founder in America, whose works were near by. Cf. page 72.

*Judicial development* kept pace with political growth. In the first summer in Massachusetts, a man was found dead under suspicious circumstances. The magistrates appointed a body of sworn men to investigate. This coroner's jury accused a certain Palmer of murder. Palmer was then tried by a trial jury (*petit jury*) of twelve men. All this was in accord with custom in England. No Massachusetts law upon the matter had been passed.

Evolution  
of the  
judicial  
system

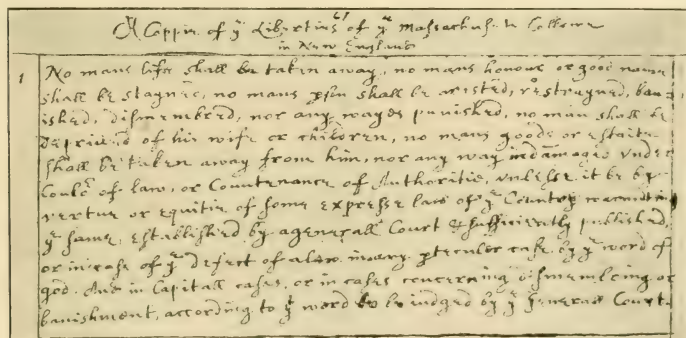
In 1634, however, the General Court did expressly establish trial by jury, and a year later it ordered that a jury of inquest (*grand jury*) should meet twice a year, to present to the court all offenders against law and public welfare. Thus the first five years saw the complete adoption of the



English jury system. It is said sometimes — with much exaggeration — that in the absence of written law, the Puritans followed the Jewish law. But in this supremely important matter of legal machinery, they turned promptly not to the Old Testament but to the English Common Law.

At the General Court in May, 1635, the deputies demanded a *written code of law*. The magistrates were making law, almost at will, in their decisions, *after cases came before them*; and "the people thought their condition very unsafe," says Winthrop, "while so much power rested in the discretion of the magistrates." The democratic demand could not very well be openly

The demand  
for written  
law



NUMBER 1 OF THE "BODY OF LIBERTIES." The original manuscript is now in the Boston Athenæum.

denied; but for a time it was evaded skillfully. The Court appointed four magistrates to prepare a code; *but this committee failed to report*. A second committee of "gentlemen" was equally ineffective. Then, in 1638, the Court ordered that the deputies should collect suggestions from the freemen of their several towns, and present them in writing to a new committee made up partly of deputies.

Now matters began to move. The suggestions from the towns were reduced to form in 1639, and sent back for further consideration, "that the freemen might ripen their thought," and make further suggestion. The next lot of returns were



referred to two clergymen, John Cotton and Nathaniel Ward. On this basis, in 1641, each of these gentlemen presented a full code to the General Court, and the more democratic one, by Ward, was adopted. This famous *Body of Liberties* marks splendid progress in law, English or American. Especially notable are (1) the provision that no punishment should be inflicted merely at the discretion of magistrates but only by virtue of some express law of the colony; (2) prohibition of monopolies; (3) right of jury trial with right of "challenge"; and (4) the curiously interesting legislation under the headings "Liberties of Women" and "Liberties of Children." Much in advance of English Common Law practice was the order, — "Everie married woeman shall be free from bodilie correction or stripes by her husband," — although there was added the prudent afterthought, "unless it be in his owne defence upon her assault."

The next important fruit of the democratic movement was *the division of the legislature into two Houses*. For ten years after the "revolution of 1634," the General Court sat as one body. But it was made up of two distinct "orders." The *deputies* were chosen each by his own townfolk, and held office for only a few days. Often they were artisans or farmers, and as a whole they leaned to democracy. The *Assistants* continued to be intensely aristocratic. They had many additional meetings for judicial business and to aid the governor. They had to know some law, and they served without pay. Only "gentlemen" were qualified for the office, or could afford to hold it. More yet to the point — the hottest democrat did not dream of selecting these "*ruling* magistrates" from any but the highest of the gentry class.

Naturally, friction between the two orders was incessant. At the first clash, in the summer Court of 1634, the Assistants claimed "*a negative voice*," or veto. To grant this was to give as much voting power to the aristocratic minority as to the democratic majority. But the ministers were

brought forward to argue for the plan, and finally it was agreed to.

During this controversy, a pamphlet by Israel Stoughton, of Dorchester, attacked the claim of the Assistants — with what Winthrop calls “many weak arguments.” The Assistants called Stoughton before them, forced him to recant, ordered his book burned, deprived him of his office (of deputy), and forbade him to hold any office for three years! The great Puritan leaders had no more place for free speech than for the right of petition. Thanks to English custom, *debate in the General Court was free*. Stoughton could have spoken his arguments there with impunity. But the Assistants denied the right of a citizen, outside the legislature, to criticize the government. Winthrop had written a pamphlet, “with many weak arguments” certainly, *in favor* of the “negative voice”; but the Assistants saw no wrong in argument on that side.

The  
Aristocrats  
suppress  
free speech

The Assistants had now won much the greater weight in the legislature. They were a small disciplined body. They could agree upon plans before the Court met, and could act as a unit in the meeting, much better than could the deputies. Moreover the Assistants monopolized debate: it was impossible for individual deputies to confront men of such social superiority and such political ability. The deputies saw that they would gain dignity and influence if they sat by themselves; and, *in 1644, the General Court separated into two “Houses.”* Thereafter, each “order” had its own officers and committees, and managed its own debates. This was the first two-House legislature in America. The immediate occasion for the division was a quaint three-year dispute over a poor woman’s pig, which had strayed into the pen of a rich gentleman and had been slaughtered. Says Winthrop, — “There fell out a great matter upon a small occasion.” Three lawsuits regarding this pig had come up to the General Court. Each time the deputies had sided with the woman, the Assistants with

Mrs. Sherman’s pig  
brings  
victory to  
the democrats

the "gentleman." The irritation on both sides hastened the separation of the legislature into distinct chambers. But such a move had already been considered, and the real cause lay in the class jealousy that we have been tracing. When Assistants and deputies could no longer live in peace under one roof, the example of the two-House parliament in England suggested a convenient remedy.

#### IV. LOCAL GOVERNMENT IN NEW ENGLAND

*Town meetings are to liberty what primary schools are to science.*  
— TOCQUEVILLE.

Most New England towns in the seventeenth century were merely agricultural villages. Farmers did not live scattered through the country, as now, each on his own farm. They dwelt together, European fashion, in villages of thirty or a hundred or two hundred householders, with their fields stretching off on all sides.

*At first, in Massachusetts, the General Court appointed justices and constables for each settlement,* and tried to attend to other local business. But from the first, too, *on special occasions,* the people of a town met to discuss matters of interest, — as at the famous Watertown meeting of 1632. Such gatherings were called by a minister or other leading man, and were sometimes held just before the people dispersed from the Thursday "sermon" (the ancestor of our midweek "prayer meeting"). The first Boston meeting that we know of was held at such a time — to choose a committee to divide the town lands (page 83 above).

Then in 1633 Dorchester ordered that there should be a regular monthly town meeting *to settle* town matters. Watertown followed this example the next spring; and soon each town, old or new, fell into line. Each town, too, chose a town clerk to keep records of the "by-laws" passed at the meetings, and elected a committee ("the seven men," "the nine men," "the selected



townsmen," "the Select Men") with vague authority to manage town affairs between the town meetings.

*These governments* by town meeting and Selectmen *grew up* out of the needs of the people, and out of their desire to manage their own affairs. Soon the General Court gave legal sanction to the system. After that, in theory, the towns possessed only such authority as the central government of the commonwealth delegated to them. The central legislature gave the town its territory and its name, and required it to maintain trainband, school, roads, and certain police arrangements, and sometimes imposed fines when a town failed in any of these things to come up to the standard set by law.

In actual practice, however, great independence was left the town. The town meeting appointed all local officers, — not merely selectmen and clerk, but school trustees, Local self-hog reeve, fence viewer, constable, treasurer, pound government keeper, sealer of weights and measures, measurer of corn and lumber, overseer of chimneys, overseer of the village almshouse; and for most of these officers it alone defined all powers and duties. It divided the town lands among the inhabitants, — such a part as it chose to divide, — and it fixed the size of building lots, — a quarter-acre, an acre, two acres, or five. It passed ordinances regarding the remaining town fields and pastures, the keeping up of fences, the running of cattle and hogs, the term of the school and its support, the support of the church, and of the town poor.

This town democracy had its disadvantages. Action was slow, and was often hindered by ignorance and petty neighborhood jealousies. But the best thing about the town meeting was the constant training in politics it gave to the mass of the people. Thomas Jefferson called it "*the best school of political liberty the world ever saw.*"

All the people in a town could come to town meeting and could speak there; *but not all could vote.* At the base of society in every town was a class of Classes of the town population "cottagers," or squatters, who were permitted to live in the place "at the town's courtesy only," and *who*



could not acquire land there, or claim any legal right to the use of the town "commons" for pasture. Servants whose term of service was up, and strangers who drifted into the town as day laborers, usually passed at first into this class.

The people in a town who held full town citizenship were known as "inhabitants." A "cottager," however worthy, or a new settler of even the gentry class, could be "admitted inhabitant" only by vote of the town; but in practice, the "inhabitants" of a town included all its gentlemen and industrious artisans and freeholders, — many of whom never secured the *colonial* franchise. Thus the town government in Massachusetts was more democratic than the central government. The body of citizens was more extensive, and the citizens acted directly, not through representatives. And this town democracy touched the life of the people at more points, and at more vital ones, than did the central government.

## V. AN ATTEMPT AT AN ARISTOCRATIC THEOCRACY

In England the High-churchmen had reproached the Low-churchmen with secretly being Separatists. The Low-church Puritans repelled the charge indignantly, and, to prove their good faith, joined vehemently in denouncing the Separatists. Thomas Hooker was one of the greatest of the Puritan clergy. Before he came to America, while a fugitive in Holland, he was called a Separatist. But he claimed to have "an extreme aversion" to that sect, and he wrote, "*To separate from the faithful assemblies and churches in England, as no churches, is an error in judgment and a sin in practice.*" So, too, Francis Higginson (page 63) exclaimed, as the shores of England receded from view, "*We will not say, as the Separatists are wont to say, Farewell, Rome! Farewell, Babylon! But we will say, Farewell, dear England; Farewell, the Church of God in England, and all Christian friends there.*"

But even Hooker's vehement protest left a loophole — not uncharacteristic of much Puritan sophistry — in his

cautious injection of the word "faithful." And when the Massachusetts Puritans reached the New World they found themselves more in accord with the despised Separatists than they had thought. Much of the change seems to have come on the Atlantic,—where the eight or ten weeks' voyage, and the daily preaching, invited men to find out just where they did stand. At all events, very soon they did *separate* wholly from the English Church, *refusing even to recognize its ordination of clergymen.*

On the other hand, *they did not separate the church from the state*, as Plymouth did, nor did they make one congregation wholly independent of another in matters of church government. They wished to use the state to preserve their religion and church discipline. Winthrop declared that their purpose in coming to America was "to seek out a place of cohabitation under a due form of government *both civil and ecclesiastical.*" To keep this union of state and church they adopted three distinct devices: (1) they gave the franchise only to church members; (2) they allowed no churches except those approved by the government; (3) they referred many political questions to the clergy assembled in synods.

*The Massachusetts ideal was an aristocratic theocracy*,—a government *by the best*, in accordance with *the law of God*. The ministers were supposed to have special ability to interpret that law. Nor were they backward in claiming such rights. Winthrop tells, with approval, how Cotton "proved" from many texts of Scripture "that the rulers of the people should consult with ministers of the churches upon occasion of any weighty matter, though the case should seem never so clear,—as David in the case of Ziklag." In practice, the ministers in politics proved a bulwark of class rule. In every controversy between aristocracy and democracy, they found some Biblical passage which would support the aristocracy. More than once democratic progress depended upon the appearance of a rare democratic champion among the ministers, like Ward of Ipswich (page

Union of  
state and  
church

An aris-  
tocratic  
theocracy

The clergy  
in politics

86) or Hooker of Connecticut (below). By 1639 the democracy had learned the lesson, and managed sometimes to put forward democratic ministers to preach "election sermons."

The purpose of the early Massachusetts Puritans (in their own words) was "to build a City of God on earth."

**Relation of the Puritan ideal to religious freedom** They came to the wilderness not so much to escape persecution as to find a freer chance to build as they saw fit, where there should be none with right to hinder them; and they did not mean that intruders should mar their work. This plan forbade toleration. *Religious freedom was no part of the Puritan's program.* He never claimed that it was. It was fundamentally inconsistent with his program. The Puritan was trying a lofty experiment, for which he sacrificed home and ease; but he could not try it at all without driving out from his "City of the Lord" those who differed from him.

In the first fall after Winthrop's arrival, two "gentlemen" from England came to Massachusetts by way of Plymouth. They were introduced by Miles Standish; "but," says Winthrop, "having no testimony [*i.e.* evidence of religious standing], we would not receive them." Probably these men were Separatists; and the government was cautious regarding them, because they were "gentlemen," not common men without influence. In the following March, the Assistants shipped back to England six men at one time, *without trial*, merely upon the ground that they were "un-

**Deportations for opinions** meete to inhabit here"; while for years there were occasional entries in the records like the following: "Mr. Thomas Makepeace, *because of his novile disposition*, is informed that we are weary of him, unless he reform"; and "John Smith is ordered to remove himself from this jurisdiction *for divers dangerous opinions* which he holdeth." These first "deportations" help us to understand the more famous expulsions of Roger Williams and Anne Hutchinson.

Roger Williams was one of the most powerful and scholarly of the great Puritan clergy. He had rare sweetness of temper; but, along with it, a genius for getting into bitter



controversy. He was broad-minded on great questions; but he could quarrel vehemently over fantastic quibbles. The kindly Bradford could not like him and de-  
Roger Williams  
 scribes him as possessing "many precious parts, but very unsettled in judgment"; and again, — "I desire the Lord to show him his errors and reduce him into the way of truth, and give him a settled judgment and *constancy* in the same; for I *hope* he belongs to the Lord." Eggleston hits off Williams' weakness well in saying that he "could put the questions of grace after meat and of religious freedom into the same category."

Driven from England by Laud, Williams came to Massachusetts in the supply ship in the winter of 1631. He was welcomed warmly by Winthrop as "a godly minister"; but it was soon plain that he had adopted the opinions of the Separatists. He scolded at all who would not utterly renounce fellowship with English churches, and he preached against any union of church and state, holding that the *magistrate* had no right to punish for Sabbath-breaking or for other offenses against "the first table" (the first four of the Commandments). Thus his welcome at Boston quickly wore thin. He went to Plymouth for a time, but soon returned to the larger colony as the pastor of Salem — which, more than any other Massachusetts town, inclined to Separatism because of its early association with Plymouth and some very essential aid given it by that colony in the trying winter before the Winthrop migration arrived. Just at this time Salem wanted more lands. The court of Assistants paid no public attention to the request, but let it be known privately that, if Salem expected the grant, it had best dismiss Williams. On his part, Williams referred to the other churches of the colony as "ulcered and gangrened," and called the clergy "false hirelings."

An opportunity soon offered to get rid of him. All land in America, he urged, belonged to the Indians until bought from them. He denied the title of the colony, and said that the King had told "a solemn lie" in the charter in claiming right to give title. Such words, unrebuked, might



embroil the little colony with the home government, with which it was already in trouble enough (page 73). The magistrates seized the excuse, and ordered Williams back to England — where the loss of his ears was the least he could expect. If he had been orthodox in religion, the Massachusetts government would surely have found some nominal punishment for his overzeal against the Crown — as they did for Endicott, who just at this time cut the cross out of the English flag, calling it “an idolatrous symbol.”

On account of the bitter winter season, the order against Williams was suspended until spring. The magistrates seem to have understood that he agreed meantime not to teach these troublesome doctrines. He continued to do so, however; and an officer was sent to place him on board ship. Forewarned secretly *by Winthrop*, he escaped to the forest, and found his way to the Narragansett Indians. The next spring a few adherents joined him; and the little band founded Providence, the beginning of Rhode Island (1636).

Williams had few followers, and was easily disposed of. The Hutchinson episode divided the colony for a time into Anne Hutchinson not unequal parts; and the majority, to maintain their tottering supremacy, resorted to dubious political devices. Anne Hutchinson is described by Winthrop (who hated her) as a woman of “ready wit and bold spirit.” She was intellectual, eloquent, and enthusiastic. Her real offense seems to have been her keen contempt for many of the ministers and her disrespect toward the magistrates; but she also held religious views somewhat different from the prevailing ones. At one time, however, Winthrop confessed, “Except men of good understanding, few could see where the differences were; and indeed they seemed so small as (if men’s affections had not been formerly alienated . . .) they might easily have come to a reconcillation.” Mrs. Hutchinson spoke much of an “inner light”; and this phrase was twisted into a claim that she enjoyed special revelations from the Holy Spirit. For a time Boston supported her with great unanimity, but the majority in all the other churches was rallied against her.

Among Mrs. Hutchinson's adherents were the minister Wheelwright, and young Harry Vane, governor at the time. In the winter of 1637, Wheelwright preached a sermon declaiming violently against the ministers of the opposing faction. For this the next General Court (in March) "questioned" him, and voted him "guilty of sedition," in spite of a lengthy petition from Boston for freedom of speech.

The majority adopted also a shrewd maneuver. To lessen the influence of heretical Boston, they voted to hold the approaching "Court of Elections" not at that town as usual, but at Newtown (Cambridge). When that Court assembled, in May, "there was great danger of tumult." "Those of *that* side," says Winthrop, "grew into fierce speeches, and some laid hands on others; but seeing themselves too weak, they grew quiet." The orthodox faction finally elected Winthrop over Vane, and even dropped three magistrates of the other party off the Board of Assistants. To prevent the minority from receiving expected reinforcements from England, it was then decreed that newcomers should not settle in the colony, or even tarry there more than three weeks, without permission from the government. A few weeks later, a brother of Mrs. Hutchinson arrived, with many friends; but Winthrop compelled them to pass on at once to the New Hampshire wilderness.

In the following summer a synod of clergy solemnly condemned the Hutchinson heresies; and at the General Court in November the majority, "finding that two so opposite parties could not contain in the same body without hazard of ruin to the whole," determined to crush their opponents. Mrs. Hutchinson and Wheelwright were banished after a farcical trial; and "a fair opportunity" for destroying their party was discovered in the petition, *nine months old*, regarding Wheelwright. The three Boston deputies, because they had "agreed to the petition," were expelled from the Court and banished from the colony. Six other leading citizens were disfranchised. The remaining signers, seventy-six in number, were disarmed. Fifty-eight of them lived

in Boston; the rest, scattered in five other towns. The Court pretended to justify this insult by referring to the excesses of the Munster Anabaptists of a century earlier: "Insomuch as there is just cause for suspition that they, as others in Germany in former times, may, *upon some revelation*, make a suddaine irruption upon those that differ with them," runs the preamble of the disarming order, with a sly dig at Mrs. Hutchinson's "revelations."

And now Boston church was brought back into the fold. Taking advantage of the temporary absence of twelve more of the leaders of the congregation, Cotton and Winthrop succeeded in browbeating the cowed and leaderless society into excommunicating Mrs. Hutchinson. Says Winthrop, after telling the story: "At this time, *the good providence of God so disposing*, divers of the congregation (being the chief men of that party, her husband being one) were gone to Narragansett to seek out a new place for plantation." This assumption of divine help in a political trick is the most unlovely sentence Winthrop ever penned.

In all this persecution the Massachusetts Puritans were not behind their age: they merely were not in advance in this respect. In England the Puritan Long Parlia-  
The age and religious freedom
ment in 1641, demanding reform in the church, protested that it did not favor toleration: "We do declare it is far from our purpose to let loose the golden reins of discipline and government in the church, to leave private persons or particular congregations to take up what form of divine service they please. For we hold it requisite that there should be throughout the whole realm a conformity to that order which the laws enjoin."

On the other hand, a few far-seeing men did reach to loftier vision. In that same year, Lord Brooke wrote nobly in a treatise on religion: "The individual should have liberty. No power on earth should force his practice. One that doubts with reason and humility may not, for aught I see, be forced by violence. . . . Fire and water may be restrained; but light cannot. It will in at every cranny.



Now to stint it is [to-morrow] to resist an enlightened and inflamed multitude. . . . Can we not dissent in judgment, but we must also disagree in affection?" In America Roger Williams caught this truth clearly, and made it the foundation principle of Rhode Island. So, too, Sir Richard Saltonstal, one of the leaders of the 1630 migration. Saltonstal's company settled Watertown, which from the first was inclined not only to democracy in politics but to "separatism" in religion. (Indeed it seems probable that resentment by the town at certain interference by the magistrates with their pastor was back of the famous Watertown Protest regarding taxation; page 77.) Saltonstal remained in the colony less than two years. Nearly twenty years later (1650) he wrote from England to leading Massachusetts clergy a touching protest against religious persecution.

"Reverened and deare friends, whom I unfaynedly love and respect: It doth not a little grieve my spirit to heare what sadd things are reported dayly of your tyranny and persecutions in New England—as that you fyne, whip, and imprison men for their consciences. . . . Truly, friends, this your practice of compelling any in matters of worship to do that whereof they are not fully persuaded, is to make them sin . . . and many are made hypocrites thereby. . . . We . . . wish you prosperity every way [and pray] that the Lord would give you meeke and humble spirits, not to stryve soe much for *uniformity* as to keepe the *unity of the spirit* in the bond of peace. . . . I hope you do not assume to yourselves infallibilitie of judgment, when the most learned of the Apostles confesseth he knew but in parte. . . ."<sup>1</sup>

<sup>1</sup> This extract does very imperfect justice to the fine and tender charity of Saltonstal's long letter. With the answer (a masterpiece of Puritan sophistry) the document is printed in Hutchinson's *Collection of Original Papers*, whence both letters are reproduced in West's *Source Book in American History*.

The Lord Brooke quoted above planned at one time, with his friend, Lord Say, to settle in Massachusetts. In the interesting negotiations (*Source Book*), the Reverend John Cotton explains to the Lords that in Massachusetts the General Court must soon divide into two Houses, representing the two "Orders" of "gentlemen" and "freeholders." (This was in 1636! cf. pages 87-88.) At a later time these same two noblemen tried to establish a colony in the Connecticut valley, where *Saybrooke* was named for them.



## CHAPTER V

### OTHER NEW ENGLAND COLONIES

By 1640 there were five colonies in New England, besides Plymouth and Massachusetts. English proprietors had founded fishing stations on the coasts of *Maine* and *New Hampshire*, and these settlements had been reinforced and Puritanized by Hutchinson sympathizers from Massachusetts. The *New Haven* group of towns began with a Puritan migration from England in 1638. This colony closely resembled Massachusetts; but it had a little less aristocracy, and depended a little more on the Old Testament as a guide in government.

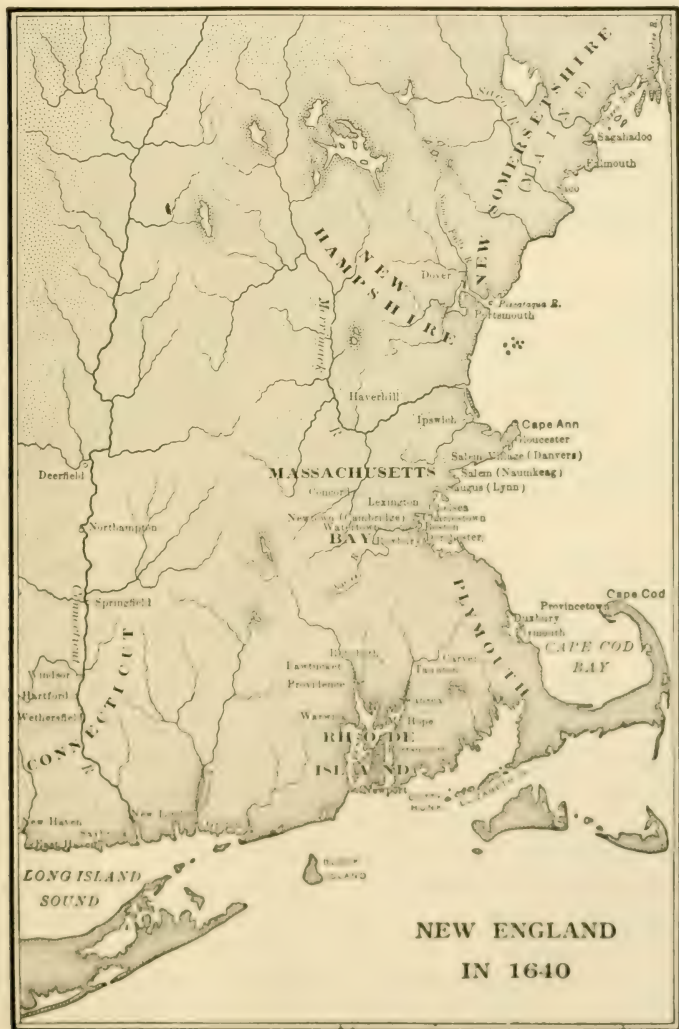
The two remaining colonies, *Rhode Island* and *Connecticut*, represented new ideas and played new parts in history. Each was born of rebellion against one part of the Massachusetts ideal: Rhode Island, against theocracy; Connecticut, against aristocracy. In the long run the great Massachusetts plan of aristocratic theocracy broke down; while these two little protesting colonies laid broad and deep the foundations of America. Roger Williams in Rhode Island was the apostle of modern religious liberty; and Thomas Hooker in Connecticut was the apostle of modern democracy.

### RHODE ISLAND

Williams founded the town of Providence in the spring of 1636 (page 94). From the Indians he bought a tract of land, and deeded it in joint ownership to twelve companions "and to such others as the major part of us shall admit into the same fellowship." Later comers signed an agreement to submit themselves "only in civil things" to orders made for the public good

Emphasis  
on freedom  
in religion

by the town fellowship, — in which they were freely granted an equal voice. “Civil” in this passage is used in its common English sense in that day, as opposed to “ecclesiastical.” The point to the agreement is that the people did *not* purpose to let the government meddle with religion.



Williams' opinion upon the possibility of maintaining civil order without compelling uniformity in religion is set forth admirably in his figure of speech, comparing a state to a ship, where all, passengers and seamen, must obey the captain in matters of navigation, though all need not attend the ship's prayers.

No opportunity was lost to assert this doctrine. In 1644 Williams secured from the Long Parliament a "Patent" authorizing the Rhode Island settlements to rule themselves "by such a form of *civill* government," and to make "such *civill* laws and consitutions" as the majority might prefer. Then, in 1663, when the colony received its first royal charter, the fundamental idea was made yet more explicit:—

"Whereas it is much on their hearts," says a preamble, quoting the petition of the colonists, "to hold forth a *livelie experiment* that a most flourishing *civill* state may stand . . . with a full libertie in religious concernments," accordingly, "noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and [*i.e.* provided he] doe not actually disturb the *civill* peace."

The *practice* of the colony, too, kept to this high level. During the Commonwealth in England, Massachusetts complained that Rhode Island sheltered Quakers, who then swarmed across her borders to annoy her neighbors. Williams disliked Quakers heartily; but he now replied that they ought to be punished only when they had actually disturbed the peace, and not merely for being Quakers. "We have no law," ran this noble argument, "to punish any for declaring by words their minds concerning the ways and things of God." Massachusetts threatened interference. The smaller colony appealed to England, praying — "Whatever fortune may befall us, let us not be compelled to exercise power over men's consciences." In Rhode Island, religious freedom was not a mere means to timorous toleration. The chief purpose of

Rhode  
Island and  
the Quakers

this social "experiment" was to prove that such freedom was compatible with orderly government and good morals. For a time there was much turbulence in the colony. Providence became a "crank's paradise," "New England's dumping ground for the disorderly and eccentric elements of her population." But with clear-eyed faith Williams and his friends persisted, and finally worked out successfully their "livelie experiment."

## CONNECTICUT

*The birthplace of American democracy is Hartford.*—JOHNSTON.

Three Massachusetts towns had been foremost in the struggle against aristocracy, — Watertown, Dorchester, and Newtown. In 1635–1636, the people of these towns made a new migration to the Connecticut valley, to try their own experiment of a democratic state. Other motives had part in the movement, — among them, a desire for the more fertile land of the valley. The journey through the forests, with women and children, herds, and household goods, was the first of the overland pilgrimages which were to become so characteristic of American life.

Withdrawal  
of demo-  
cratic  
Massa-  
chusetts  
towns to  
Connecticut

*The inspirer of this movement was Thomas Hooker*, pastor of Newtown. Hooker became to Connecticut even more than Cotton to Massachusetts. These two great leaders were widely different in their lives and feelings. Cotton belonged to the aristocratic English gentry. Hooker's father was a yeoman. He himself had been a menial "sizar" at Cambridge University, and his wife had been a ladies' maid. By birth and association, as well as by conviction, he was a man of the people.

Thomas  
Hooker

Over against the aristocratic doctrines of the great Massachusetts leaders, Hooker stated admirably the case for democracy. Winthrop wrote to him that democracy was "unwarrantable" because "the best part is always the least, and of that best part the wiser part is always the lesser"; but Hooker replied: "In matters . . . that con-



cern the *common good*, a general council *chosen by all, to transact business which concerns all*, I conceive . . . most suitable to rule and *most safe* for the relief of the whole." Winthrop and Cotton taught that the magistrates' authority had divine sanction. Hooker preached a great political sermon to teach that (1) "the foundation of authority is laid in *the consent of the governed*"; (2) "the choice of magistrates belongs to the people"; and (3) "those who have power to appoint officers, have also the right *to set bounds to their authority*."

For a time the three Connecticut towns kept their Massachusetts names. Later, they were known as Hartford, Wethersfield, and Windsor. At first they recognized a vague authority in commissioners appointed over them by Massachusetts; but each town managed freely its own local affairs, and, *in 1639*, an independent central government was provided by a mass meeting of the inhabitants of the colony. This gathering adopted a set of eleven "*Fundamental Orders*" — "the first written constitution" in the modern sense. The document set up a plan of government similar to that which had been worked out in Massachusetts, emphasizing, however, all democratic features found there and adding a few of its own.

The governor held office for one year only, and *he could not serve two terms in succession*. He had no veto, and in two other respects he lacked authority usually possessed by an English executive: (1) *the General Court could not be dissolved except by its own vote*; and (2) *it could be elected and brought together, on occasion, without the governor's summons*. The right of the General Court is expressly asserted to "call into question" magistrate or governor, and even (in modern phrase) to "recall" them during their short term of office. The franchise was never restricted to church members, as in Massachusetts. At first, anyone whom a town allowed to vote in town meeting could vote also in the General Court of Elections. That is, the *towns* fixed not only the *local*, but also the *general* franchise. But in 1659 the General

The Funda-  
mental  
Orders,  
1639

Court ordered that thereafter no one should vote for governor or for members of the General Court unless he were possessed of thirty pounds' worth of property, real or personal. Even in democratic Connecticut this property qualification stood, with slight change, until long after the American Revolution.



AN OLD GRIST MILL AT NEW LONDON, CONNECTICUT, built in 1645. Cf. page 72.

*Connecticut did not reject theocracy.* Hooker believed in a Bible commonwealth as zealously as Cotton did, though he understood his Bible differently on political matters. The governor had to be a member of a church; the preamble of the Orders states the first purpose of the government to be the maintaining of "the discipline of the churches, *which according to the truth of the gospel is now practiced amongst us*"; and the first code of laws, in 1650, authorizes the government "to see [that] the force, ordinances, and rules of Christe bee observed in every

Connecticut  
and  
theocracy

Church according to his word." The General Court placed ministers, defined their powers, and even decided who should be admitted to the sacraments.

### THE NEW ENGLAND CONFEDERATION

*The New England colonies had hardly established themselves in the wilderness before they began a movement toward federal union.* The Connecticut valley was claimed by the Dutch New Netherlands. Moreover, the English settlers in the valley found themselves at once involved in war with the Pequod Indians. Connecticut felt keenly the need of protection by the other English colonies; and, in 1637, Hooker (present at Boston for the synod that condemned Mrs. Hutchinson) proposed to Massachusetts a federal compact. For the moment the negotiations fell through because of States-rights jealousy. Much as Connecticut feared Dutchman and Indian, she feared interference in her own affairs hardly less, and hesitated to intrust any real authority to a central government. But, in 1643, commissioners from Massachusetts, Connecticut, New Haven, and Plymouth met at Boston, and organized *the New England Confederation*.

Rhode Island and the New Hampshire towns asked in vain for admission to this union. The leaders of Massachusetts were wont to refer to Rhode Island as "that sewer"; and regarding the exclusion of New Hampshire, Winthrop wrote: "They ran a different course from us, both in their ministry and civil administration . . . for they . . . had made a tailor their mayor and had entertained one Hull, an excommunicated person, and very contentious, to be their minister."

The date (1643) suggests an important relation between English and American history. The union of the colonies without sanction from England was really a defiance of authority. But war had just broken out in England between King Charles and the Puritans. Accordingly, the colonies could excuse themselves (as they did) on the ground



of necessity, since the home government was temporarily unable to protect them; while really they were influenced still more by the fact that it could not interfere. The preamble to the Articles states all other motives for the union admirably, but, naturally, it omits this last consideration.

The Articles of Confederation established "a firm and *perpetual* league." For matters of common concern, a congress of eight commissioners, two from each of the four colonies, was elected annually. The Articles These commissioners had "full power from their severall Generall Courtes respectively" to determine upon war or peace, divide spoils, admit new confederates, and to manage "all things of like nature, which are the proper concomitants or consequents of such a Confederation for amity, offence, and defence, *not intermeddling with the Government of any of the Jurisdictions, which . . . is reserved entirely to themselves.*" The vote of six commissioners was to be final in all matters; but if in any case six could not agree, then the matter was to be referred to the several colonial "Courts" for negotiation between them. Special provision was made for the surrender of fugitive criminals or "servants" escaping from one colony to another and for *arbitration* of differences that might arise between any two colonies of the union.

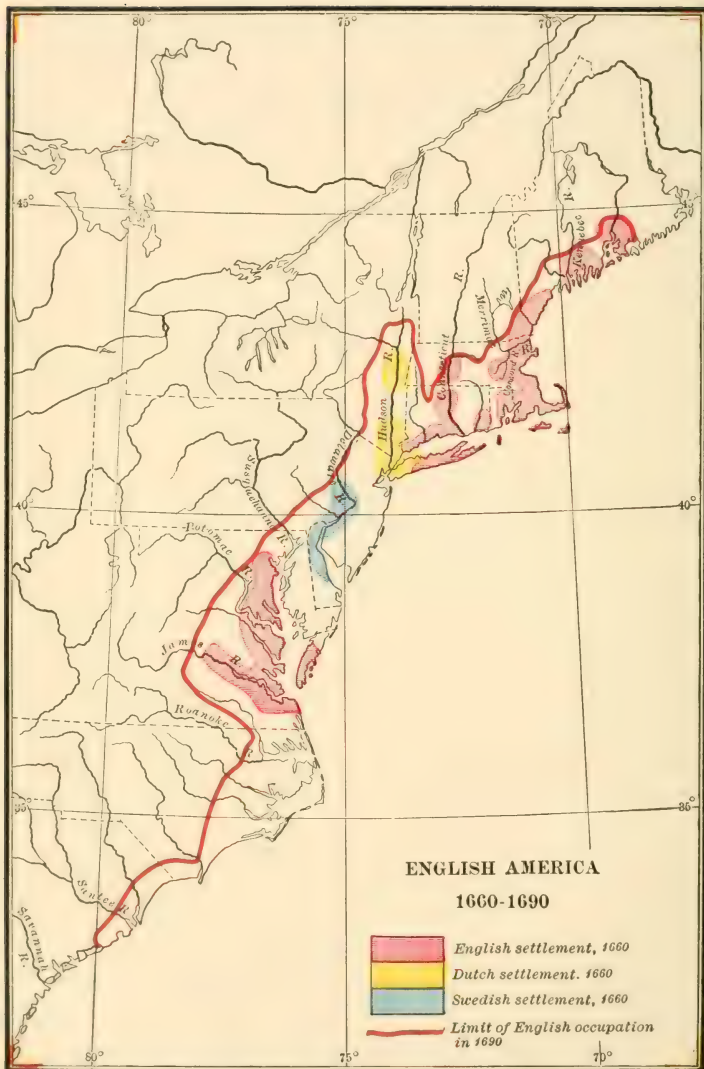
This document compares well with the constitution of any earlier confederation in history. Its weak points were common to all previous unions. The greatest difficulty And their working arose from the fact that one of the confederates was much larger than the others. Each of the three smaller colonies had about three thousand people: Massachusetts alone had fifteen thousand. Consequently she bore two thirds of all burdens, while she had only a fourth share in the government. The Bay Colony made an earnest demand for *three* commissioners, but the smaller states unanimously resisted the claim.

Under these conditions, Massachusetts became dissatisfied. In 1653 six of the federal commissioners voted a levy of 500 men for war upon New Netherlands. Massachusetts felt least interested in the war, and her General



Court refused to furnish her quota of 300 men. In the language of later times, she *nullified* the act of the federal congress. After this, the commissioners were plainly only an advisory body. In 1662-1664, the absorption of New Haven by Connecticut weakened the Confederation still further; and it finally disappeared when Massachusetts lost her charter in 1684.





## PART II—COLONIAL AMERICA

### CHAPTER VI

#### THE STRUGGLE TO SAVE SELF-GOVERNMENT (1660-1690)

##### I. A GENERAL VIEW

THE years 1660-1690 are a distinct period in colonial development. The first mark of the period is a vast expansion of territory. *In 1660 the English held two patches of coast*, one, about the Chesapeake, the other, east of the Hudson. The two districts were separated by hundreds of miles of wilderness and by Dutch and Swedish possessions, and for more than twenty years no new English colony had been founded. Thirty years later the English colonies formed *an unbroken band from the Penobscot to the Savannah*. To the south of Virginia the Carolinas had been added (1663); to the north of Maryland appeared the splendid colony of Pennsylvania (1681); while the rest of the old intermediate region had become English by conquest (New York, New Jersey, and Delaware). All the colonies, too, had broadened their area of settlement toward the interior. *Population rose from 60,000 in 1660 to 250,000 in 1690*.

The transformation, from isolated patches of settlement into a continuous colonial empire, brought home to English rulers the need of a uniform colonial policy. Charles I had had a "Colonial Council," but it exercised little real control. In 1655, when Cromwell took Jamaica from Spain, one of his officials drew up certain "Overtures touching a Councill to bee erected for foraigne Plantations." This paper suggested various measures to make the colonies "understand . . . that their Head

And a  
colonial  
policy



and Centre is Heere," and after the Restoration, Charles II incorporated much of the document in his "Instructions" to a "Council for Foreign Plantations" (later succeeded by the "Lords of Trade" and in 1696 by the "Board of Trade and Plantations").

This Council contained many of the noblest men of the time. It was instructed to study the state of the plantations and the colonial policies of other countries; to secure copies of the colonial charters and laws; and to have a general oversight of all colonial matters. In particular it was to endeavor "that the severall collonies bee drawn . . . into a more certaine, civill, and uniform waie of Government and distribution of publick Justice, *in which they are at present scandalously defective.*" During the period that we are now considering, the Council was hard-working, honest, and well-meaning; but it was ignorant of affairs in the colonies and out of touch with the people that it was trying to rule. It strove to get three results: *uniformity and economy* in colonial administration; *better military defense*; and *new commercial regulations*.

European countries valued colonies as a source of goods not produced at home, and as a sure market for home manufactures. So each colonizing country adopted "navigation acts" to restrict the trade of its colonies exclusively to itself. Without this prospect, it would not have seemed worth while to found colonies at all. By modern standards, all these commercial systems were absurd and tyrannical; but *the English system was more enlightened, and far less selfish and harsh, than that of Holland or France or Spain.*

At the other end of the scale was Spain.<sup>1</sup> For two hundred years *all* commerce from Spanish America could pass to the outer world only through Spain, and *through only one Spanish port*. — first Seville, and afterward Cadiz. Worse still, until 1748, goods could be imported from

<sup>1</sup> This paragraph is condensed from the admirable account in Bernard Moses' *Establishment of Spanish Rule in America*, 20-26 and 285-292.

Europe through only the one favored port in Spain, and (for all the wide-lying New Spain in North and South America) to only two American ports, and at special times. Two fleets sailed each year from Spain, — one to Porto Bello on the Isthmus, for all the South American trade; the other to Vera Cruz in Mexico. All other trade, even between the separate Spanish colonies, *was prohibited under penalty of death*. From the most distant districts, — Chile or Argentina, — goods for export had to be carried to Porto Bello to meet the annual fleet. There was held a forty days' fair, to exchange the European imports for precious metals, tropical woods, and hides. By this arrangement, in many parts of South America, the prices of European goods were increased to five or six times the natural amount, while the products with which the colonies paid were robbed of value by the cost of transportation. The cattle raised on the vast plains of the Argentine could reach a lawful market only by being carried across the continent to Peru, thence by sea to Panama, again across the Isthmus to Porto Bello, and (one chance a year) from that port to Seville. In the early years of the eighteenth century, at Buenos Aires, an ox was worth a dollar, and a sheep three or four cents, — and values had risen to this point only because some contraband trade had sprung up, in spite of the terrible penalties. To go from Spain to America, except to a few favored places, was not merely to go into exile, but to renounce civilization. The restrictions on trade prevented the colonists from starting with the achievements of European civilization, and drove them back, in many cases, to the barbarism of the natives.

Compared with that sort of thing, England's policy was modern. Her statesmen did not aim, consciously, to benefit the home country at the expense of the planta- The English tions. They strove to make the parts of the empire idea helpful to one another, so that the empire as a whole might be self-supporting, — independent of the rest of the world in industry and economics. In large measure they wished this system of tariff "protection" for the *industries*

of the empire as a means toward *military* protection — like American statesmen after the war of 1812.

As a continuous system, the English policy began with the "*First Navigation Act*" of 1660. This law had two purposes. The original one was semi-military, *to increase the shipping of the empire*. Until this time, most European goods, even most English goods, had been carried to the colonies by Dutch vessels. England's navy had sunk low. But the safety of the island and of her colonies rested upon command of the seas. In that day, trading vessels were easily turned into war vessels; and to build up a merchant marine was a natural measure for naval protection. Accordingly this law provided *that all trade between England and the colonies should be carried only in ships owned, and, for the most part, manned, by Englishmen or colonials*, — "ships which truly . . . belong to the people of England or Ireland . . . or are built of and belonging to *any of the said Plantations or Territories* . . . and whereof the master and three fourths of the mariners at least are *English*." (The word "English" always included the colonials, and it was specifically so defined, for this passage, in a supplemental Navigation Act two years later.)

This part of the Act was highly successful. Holland's carrying trade, and her naval supremacy, received a deadly blow. Nor did this part of the law discriminate against the colonies in the interest of England. Rather it directly benefited them, especially the northern ones. Temporarily, trade suffered from lack of ships, and from consequent high freights; but the Act *created the great shipbuilding industry of New England*. In less than twenty years the colonies were selling ships to England. By 1720 Massachusetts alone launched 150 ships a year, and the shipbuilders of England were petitioning parliament, *in vain*, for protection against this invasion upon their ancient industry. The carrying trade of the empire also passed largely into the hands of New Englanders; and this trade was protected by the English war navy, to which the colonists contributed only a few masts from their forests.



*A second part of the law* (added at the last moment by amendment) somewhat *restricted exports*. Sugar, tobacco, cotton-wool, ginger, and dyewoods were thereafter to be carried from a colony *only to Eng-* Export of  
enumerated  
articles  
restricted  
*land or another English colony*. These "enumerated articles" were all semi-tropical. New England could still send her lumber, furs, fish, oil, and rum to any part of the world — if only they were carried in her own or English ships. Tobacco was the only "enumerated article" produced *for export* at that time on the continent of North America<sup>1</sup>; *and for the restriction on tobacco, England gave an offset*: she forbade her own citizens to raise tobacco, or import it from foreign colonies, so giving Virginia and Maryland a monopoly of her market.

The import trade was first restricted by the Navigation Act of 1663. Thereafter, it was ordered, *all European goods must pass to the colonies only through English ports*. The Act of  
1663 as to  
imports This act was designed to keep colonial trade from falling into the hands of other countries. It increased the profits of English merchants; but, to guard the colonists against paying double taxes, a rebate of the English import duties was allowed on all goods reshipped for the colonies.

This was as far as the system went until after 1690. The subtropical colonies could export their products only to England or other English colonies; all imports to all colonies must come through England; all ships in the colonial trade must be English or colonial. A Massachusetts ship could still carry any product of that colony to any part of the world, exchange for goods there, carry these goods to England, and then "reship" them for an American port, or exchange them for other European goods in the English markets, to be then carried to America. In 1660 tariff

<sup>1</sup> American students find it hard to remember that the navigation laws were adopted mainly with a view to the English West Indies, not with regard to the colonies that grew later into the United States. In 1697 Jamaica alone had more commerce with England than all the continental colonies together north of Virginia, while the West Indies, Maryland, and Virginia (the sugar and tobacco colonies) had seven times as much English trade as all the other colonies.



duties, both for the colonies, and for England, had been imposed on a long list of goods. *In the colonies, however, this Act was always practically a dead letter.* There was no proper machinery to enforce it; and no serious attempt was made to do so. Whenever the restrictions were seriously troublesome, they were evaded by smuggling. In 1700, it is estimated, one third the trade of New York was in smuggled goods.

## II. NEW ENGLAND, 1660-1690

At his accession in 1660, Charles II found himself beset with accusations against Massachusetts. In 1656 Quakers had appeared in that colony. Three, who persisted in returning after banishment, had been hanged, while several others, women among them, had been flogged brutally. The Quakers complained to Charles, and in 1660 he ordered the colony to send all imprisoned Quakers to England for trial. But the men of Massachusetts *were resolved to permit no appeal from their own courts.* They chose rather to empty the jails and drop the persecution.

Afterward, for a time, the persecution was renewed, with Charles' approval, but no more executions took place. Imprisonments and whippings were the common fate of Quakers in England and in all the colonies of that time except Rhode Island. These Quakers, of course, were not the quiet, sober brethren of later times: many of them were half-mad fanatics. It *was* a little hard, as Lowell says, to know what to do with a woman who persisted in interrupting your honored minister in his sermon, calling him Priest of Baal, and breaking empty bottles over his head (in sign of his emptiness), or who "bore conclusive evidence to the Fall of Man by walking up the broad aisle of the meeting-house in a costume which that event had put forever out of fashion." None the less, the three executions remain a bloody blot on the fame of Massachusetts. Nowhere else was a death penalty inflicted by law. It does seem a little strained, however, to speak, as a recent

historian does, of "wholesale hangings" of Quakers in Massachusetts.

The King was irritated also by learning that Massachusetts had usurped the right to coin money (the famous "Pine Tree Shillings") during the Commonwealth, and that two of the "regicide" judges who had passed sentence on his father were still

Other in-  
subordina-  
tion

sheltered in New England. Worst of all, perhaps, the Bay Colony disregarded the Navigation Acts, and, in 1661, even adopted a daring resolution styling such legislation "an infringement of our rights." For the moment, Charles contented himself with demanding that an oath

of allegiance be taken in the colony; that the Episcopalian service be permitted; and that the franchise be extended to all men "orthodox in religion and of competent estate." The colony complied with the first demand, ignored the second, and evaded the



A PINE TREE SHILLING (12 pence). From the original in the Collections of the Massachusetts Historical Society. The coin bears no allusion to England's authority.

third. An act of the General Court did provide that a non-churchmember might be made a freeman, *if his good character were testified to by the minister of his town* and if he paid a ten-shilling "rate" (local tax). But the Puritan ministers gave few such certificates to those outside their own folds, and few men were then called upon to pay ten shillings in a single rate. So the number of freemen did not much increase.

Connecticut, New Haven, and Rhode Island had no legal standing in England. The people were squatters, and the governments unauthorized. Now that order was restored in England, it was plain that something must be done to remedy this condition; and all three colonies sent agents to England to secure royal charters. Connecticut and Rhode Island were suc-

Connecticut  
and Rhode  
Island  
charters

cessful almost beyond belief. They were left with self-government nearly as complete as before. In neither colony did the crown appoint the governor or any other important official. This remarkable liberality was due partly to the careless good nature of Charles in the early portion of his reign; partly to an enthusiasm among English officials just then for the colonies; and partly, perhaps, to a willingness to build up other New England governments so as to offset the stiff-necked Bay Colony. All that the Massachusetts charter had become, — this and more these new charters were from the first. They made the settlers a “corporation upon the place,” and sanctioned democratic self-government. With good reason they were cherished and venerated. At the time of the Revolution they received the name of constitutions; and they continued in force, without other alteration, in Connecticut until 1818, and in Rhode Island until 1842.

A glance at the map on page 99 shows sufficient reason why New Haven and Connecticut should not both receive charters. The question was which should swallow the other. New Haven used little diplomacy in her negotiations; and possibly she was too much of the Massachusetts type to find favor in any case. Her territory was included in the Connecticut grant. *This began the process of consolidation* which was soon to be tried on a larger scale.

Friction with Massachusetts continued. Episcopalians there complained still that for thirty years they had been robbed of civil and religious rights. So in 1664 Charles sent commissioners to regulate New England and to conquer New Netherlands from the Dutch — with whom England was at war. In their military expedition the commissioners were entirely successful. Connecticut, Rhode Island, and Plymouth then recognized their authority cordially, and even permitted them to hear appeals from colonial courts; but Massachusetts still gave them scant welcome.

Continued  
friction  
between  
England  
and Massa-  
chusetts



The matter of appeals was a chief point in the commissioners' instructions. It was to be the means of enforcing royal authority. The men of Massachusetts were sternly resolved not to yield the point. After weeks of futile discussion, the commissioners announced a day when they would sit as a court of appeals in Boston. At sunrise on that day, by order of the Massachusetts magistrates, a crier, with trumpet, passed through the town, warning all citizens not to recognize the court. No one ventured to disobey the stern Puritan government, and the chagrined commissioners returned to England.

The commissioners of 1664: the question of appeals

There they at once recommended that Massachusetts be deprived of its charter. But the next year the victorious Dutch fleet was in the Thames. Then came the great London fire and the plague. The Colonial Board did repeatedly order Massachusetts to send an agent to England to arrange a settlement; but the colony procrastinated stubbornly, and for ten years with success. In 1675, however, a great Indian outbreak, known as King Philip's War, weakened Massachusetts. Just at this time, too, Charles, entering upon a more despotic period at home, began to act more vigorously toward the colonies; and in 1684 the Court of the Kings Bench declared the charter of 1629 forfeited and void.

Massachusetts loses her charter

The Lords of Trade had decided that to have so many independent governments "without a more immediate dependence upon the crown" was "prejudicial" to England's interest; and they drew up a plan for the union of Massachusetts, Plymouth, and the Maine and New Hampshire towns, under one royal governor-general. They would gladly have included Connecticut and Rhode Island in the plan, and so consolidated all New England into one province, but the recent charters stood in the way; and, unlike Massachusetts, these colonies had given no excuse for legal proceedings against them. Still, when Charles died in 1685, James II forced the consolidation, in spite of the charters.

Consolidation under royal authority



He appointed Sir Edmund Andros governor-general of all New England, and instructed him to set aside the governments of Connecticut and Rhode Island by force.

The original plan of the Lords of Trade had provided *one elected legislature* for New England. James struck out this clause, leaving the government despotic as well as unified, — despite the declaration of the attorney-general in England that the colonists had the right “to consent to such laws and taxes as should be made or imposed on them.” James also once more extended the territory to which the plan should apply. He was already proprietor of New York and New Jersey (page 128), and these colonies were soon united with New England under the rule of Andros.

Andros was a bluff, hot-tempered soldier. He was commander of the soldiery he brought with him and of the militia; and, with the consent of an appointed council, he was authorized to lay taxes, make laws, administer justice, and grant lands. His management of military affairs was admirable, and he saved New England from serious Indian danger; but the colonists gave him scant credit. In other matters, naturally, he clashed violently with the settlers. He insisted that Episcopalian services should be held on at least part of each Sunday in one of the Boston churches. To the Puritans this was a bitter offense. Land titles, too, were a fruitful source of irritation. In granting lands, the colonies had paid little attention to the forms of English law or to proper precaution against future confusion. Andros provided for accurate surveys, and compelled old holders to take out new deeds, with small fees for registration. He treated all the common lands, too, as crown land.

More serious was the total disappearance of self-government and even of civil rights. Andros ordered the old taxes to be continued. Some Massachusetts towns resisted; and at Ipswich a town meeting voted that such method of raising taxes “did infringe their liberty as free-born English subjects.” The offenders were tried for “seditious votes and writings,” not before the usual courts, but by a special commission. The jury was packed and was browbeaten into a

The rule of  
Andros

verdict of guilty, and leading citizens who had dared to stand up against tyranny were imprisoned and ruinously fined.

This absolute government lasted two years and a half. Massachusetts was getting ready to rebel; but under ordinary conditions a rising would have been put down bloodily. Thanks to the "Glorious Revolution" of 1688 in Old England, the rising when it came was

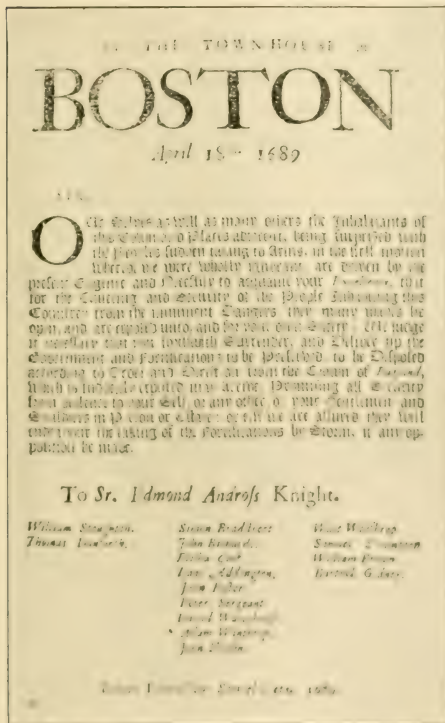
successful and bloodless.

In April, 1689, Boston learned that James II was a fugitive. The new king, William of Orange, had issued a "Declaration," inviting all boroughs in England, and all officials unjustly deprived of charters and positions by James, to resume their former powers. The colonists assumed that this sanctioned like action by them also. The people of Boston and neighboring towns seized a war vessel in the harbor, imprisoned Andros, and restored the charter government. Connecticut and Rhode Island also revived their former charters.

William III would have been glad to continue part of

The settlement of 1690

the Stuart policy in America. He wished, so far as possible, to consolidate small jurisdictions into large ones, and to keep the governor and judges in each



BOSTON'S SUMMONS TO ANDROS: from the Massachusetts State Archives. The first signature is that of the clergyman who soon after uttered the words about "chance grain" sent into the wilderness (page 62).

colony dependent upon himself. The Connecticut and Rhode Island charters stood in the way of a complete re-arrangement of this sort; and the King's lawyers assured him that those grants still held good, — since legal proceedings against them had never been completed. Massachusetts did not fare so well. Her charter had been formally surrendered. The colony strove skillfully to obtain a regrant of the original patent; but the best it could do was to accept a new one.

To conciliate William, the promised reform in the franchise was at last made effective. The certificate of a clergyman as to the applicant's fitness was not required, and the taxpaying qualification was reduced from ten shillings to four. Then in a few weeks 909 new freemen were admitted — more than in the preceding sixteen years. Notwithstanding this sudden access of liberality, there were within the colony considerable bodies of people dissatisfied with the Puritan rule. Several petitions were sent to the King *against* the renewal of the old charter, — one with signatures of two hundred and fifty persons who call themselves “Merchants and inhabitants of Boston.”

The “Charter of 1691” created a government for Massachusetts more like that of Virginia than like that of Connecticut. The crown appointed and removed the governor. The Assembly nominated the Council, but these nominations were valid only after the governor's approval. The governor could *adjourn* or *dissolve* the Assembly at will; and he, and the crown, held an *absolute veto* upon all its acts. The higher judiciary were appointed by the governor; and appeals to the king in council were provided for, in cases where the sum in dispute amounted to £300.

These four provisions, to all practical intents, made Massachusetts a royal province. Two other provisions, thoroughly praiseworthy, overthrew the old theocracy. Religious freedom for all *Protestant* sects was promised; and the franchise was given to all men owning land of forty shillings annual value, or possessing forty pounds



in personal property. This alternative was a liberal addition to the ancient English "forty shilling" real estate qualification.

### III. VIRGINIA, 1660-1690

During the Commonwealth, many of the dispossessed royalist gentry of England turned their faces toward the New World, — as the Puritans had done in their hour of gloom a generation earlier. At the Res- <sup>The Cavalier</sup> immigration toration, the royalists who were still in England expected to get back the lands they had lost. But the great majority were disappointed of this hope, and so the movement to America received new impetus. Practically all this emigration went to Virginia. Between 1650 and 1670, the population of that colony rose from 15,000 to 40,000; and more than half of this increase came from immigration.

*This migration* ranks in importance side by side with the earlier ten-year Puritan movement. It *made Virginia the land of the Cavaliers*. In this period there appeared in America the ancestors of the Virginia Harrisons, Lees, Masons, Madisons, Marshalls, Monroes, Nelsons, Nicholases, Pages, Peytons, Pendletons, Randolphs, Wythes, Washingtons. These country gentry fitted easily into the rural society of Virginia, and there became an attractive and lovable set of leaders. They were somewhat less active intellectually than the Puritan leaders, less stimulated by the friction of town life and by religious controversy, and less inclined to mark out new ways in state or church. But they were robust, dauntless, chivalrous, devout, and deeply imbued with the best tradition of the best part of England (*rural* England) in England's greatest century. The earlier migration to Virginia had given that colony a noble history; but it was this Cavalier immigration of the fifties and sixties which a century later flowered into Virginia's splendid galaxy of Revolutionary patriots, and, a little later still, justified to the Old Dominion her proud title, "Mother of Presidents."

The party epithets, Cavalier and Roundhead, should not blind us to the close likeness between the gentry elements



in Massachusetts and Virginia. The Cavalier immigrants were not graceless, riotous hangers-on of the court, slavishly subservient to despotism, as they are sometimes pictured. They were God-fearing, high-minded gentlemen, who had loved liberty only a degree less than they had feared anarchy, — men of the same social stamp and habits of thought as the Winthrops, Dudleys, and Humphreys of the Bay Colony, and the Hampdens, Pymms, and Eliots in England, with whom they had stood shoulder to shoulder for a generation of constitutional struggle before the Civil War, and from whom they separated at last with mutual grief when the great war set brother against brother.

True, the first effect of the Cavaliers on politics in Virginia was bad. In 1660 a new Assembly was elected, and the wild enthusiasm for the Restoration filled it with Cavalier hotheads. Since 1628, a new Assembly had been chosen at least once in two years; but, by an arbitrary stretch of power, Governor Berkeley (page 41) kept this unfit Cavalier Assembly alive, without a new election for sixteen years — much as his royal master in England did with his unfit Cavalier Parliament. Moreover, Berkeley, in this second term, was an old man, tortured by ill-health, arrogant, peevish, vindictive, — an easy tool for a ring of greedy favorites. His long administration, from 1660 to 1677, was a period of misgovernment and political reaction.

With the Restoration, governor and Council ceased to be elective. Berkeley received a commission from King Charles; and this, he felt, freed him from the restrictions the Assembly had placed upon him (page 41). According to the royal instructions, he resumed the absolute veto and the power to dissolve and call Assemblies at his will.

These changes put the government back where it was before the Commonwealth. But this was not all. A law of 1670 took the right to vote from all but landowners ("freeholders"),<sup>1</sup> and in local government, the loss was

<sup>1</sup> The franchise in Virginia had been exceedingly liberal. All free White males had had votes, — including former servants when their terms had expired. In

Political  
reaction,  
1660-1676

even more serious. The county raised local taxes and expended them, and it passed "by-laws" of considerable importance. Until the Restoration these things were done in the county court, — a meeting of all free White males; but now most of these powers were transferred from the open court to a Board of eight "Justices" in each county, *appointed by the governor* from the more important landowners. Other men could still come to the county courts as spectators, but their political power was limited to casting a vote now and then in the election of a new Assembly.

Along with this political reaction went many other serious faults. Taxes were exorbitant, and were expended wastefully. There was much unjust "class legislation," <sup>Special</sup> such as the exemption of Councilors and their <sup>privileges</sup> families from taxation. The sheriffs (appointed by the governor on the advice of the county justices) and other law officers charged oppressive fees for simple and necessary services; and the governor granted to his favorites vexatious trade monopolies.

The 40,000 inhabitants of 1670 included 2000 Negro slaves and 6000 White bond servants. There were also several thousand ex-servants who had not acquired land and who remained as laborers on the plantations of their former masters. The rest of the population consisted of a few hundred large planters and a large body of small planters. *Discontent was chronic in the servant class; and now the small planters also were restless.* They were practically unrepresented, and they felt rightly that they were overtaxed and discriminated against. The navigation laws intensified their grievances. The lack of vessels enough to transport tobacco to the English market did not much hurt the large planters, whose crops would be taken care of first; but, for a time, the small planter often found his entire crop left on his hands, or (if he shipped at all) his small profits were eaten up by the increased freights.

1635, indeed, a law was passed restricting the right to "householders," but it was repealed the next year on the ground that it was "hard and unagreeable to reason that any shall pay equal taxes and not have a voice in elections."

These conditions led to the first "rebellion" in America. The occasion was an Indian outbreak which Berkeley's inefficient government let go without check. Bacon's Rebellion Finally the savages ravaged an outlying plantation of Nathaniel Bacon, an energetic young planter. Bacon raised troops and punished the Indians terribly in two campaigns; but Berkeley declared the young captain and his followers rebels, because they had secured no commission for military action.

There followed an obscure quarrel over a commission extorted from the governor; and this quarrel merged into a civil war. From a valiant Indian fighter, Bacon was suddenly transformed into a popular champion and a democratic hero. Finding arms in their hands, he and his party tried to use them for social and political reform. "Bacon's Rebellion" became a rising against "special privilege." The fundamental cause was not discontent at the inefficiency of the government against the Indians, but *social discontent*.

Berkeley was deserted. During much of the struggle, he could hardly muster a corporal's guard. The aristocracy, however, did not join Bacon. They were too much opposed to rebellion, and too jealous toward the democratic features of the movement; so they simply held aloof from either side. But Bacon was supported by the great body of small planters, especially in the western counties.

These sturdy, honest people were vilified, of course, especially after the failure of the rebellion, by aristocratic contemporaries. One Virginian gentleman refers to them as "Tag, rag, and bobtail." Another declared that Bacon "seduced the Vulgar and most ignorant People (two thirds of each county being of that Sorte) Soe that theire whole hearts and hopes were set upon him." Another describes the rebels as "a Rabble of the basest sorte of People whose condicion was such as by a chaunge could not admitt of worse . . . not 20 in the whole Route but what were Idle and will not worke, or such whom Debaucherie or Idle Husbandry has brought in Debt beyond hopes or thought



of payment . . . who, for the Ease of the Poore, will have no taxes . . . [and] talk openly of shareing men's Estates."

When the rebellion began, popular clamor forced the governor to dissolve his fossilized Assembly. In the election of a new one, the restrictions upon the franchise were largely ignored, and a democratic body was chosen. One peevish gentleman declared, "Such was the prevalency of Bacon's Party that they chose, instead of Freeholders, Free men that had but lately crept out of the condition of Servants (which were never before Eligible) for their Burgesses." The new Assembly is known as *Bacon's Assembly*, and its admirable attempts at reform are called Bacon's laws. *Manhood suffrage* was restored; a *representative* Board was established in each county to act with the Justices in all matters of taxation and local legislation; the *exemptions* of the privileged families were abolished; *fees* were strictly regulated; and various minor abuses were corrected.

Bacon himself stood for an even more democratic program. Soon after the meeting of the Assembly he held a convention of his party at "the Middle Plantation," and there issued a proclamation in the name of "the Commons of Virginia," signing it "Nath Bacon, Gen'l By the Consent of the People." This document denounced the group of Berkeley's favorites as "sponges" that had sucked up the public treasure, and as "juggling parasites," and declared all who sheltered them to be "traitors to the people."

But while Bacon was still in full tide of success, a sudden fever carried him off — and the Rebellion collapsed, for want of a leader. Berkeley took a shameful and bloody vengeance, until removed by the disgusted King. At the King's command, the next Assembly declared all "Bacon's laws" void; and so the "freehold" franchise was restored, — to continue two centuries.<sup>1</sup>

<sup>1</sup> In 1736 a "freehold" for voting purposes was defined to be the ownership of 100 acres of wild land, or 50 acres of improved land, or a house and lot in a town, — the house to be not less than 24 feet square. Just before the American Revolution, these requirements were cut down one half.



*Henceforth all leadership belonged to the small class of great planters.* Each man of this class was not merely a country gentleman, supervising the farming of large estates: he was also a merchant, with huge warehouses and with agents in England. He sold in England not only his own tobacco, but also much of that of the small planters about him; and, in return, he imported all manufactured articles used on his plantations and on theirs, except the simple implements turned out by the plantation's own carpenter and blacksmith. He was also a lawyer, and a leader in society and in politics. He was usually one of the ruling "Justices" of his county, and one of the vestry of his parish; and, if he did not sit in the governor's Council, he was pretty sure to be a Burgess — or at least to have much control in the election of one.

Much has been said above on the admirable qualities of this ruling class. One darker feature remains to be made plain. These men gave a large part of their time to the public service, and none of their offices had salaries. In time of public peril, too, they were always ready to give fortune and life freely for the public need. But in ordinary times, many of them paid themselves indirectly for their devotion to the public service by what would to-day be called graft. They controlled the political machinery; and they saw nothing wrong in filling their pockets, and their friends' pockets, out of the public resources.

Taxes were paid commonly in tobacco. The "Receiver" was some one of the coterie of great planters. It was easy for him to accept from friends and other influential taxpayers a poorer grade of tobacco than he would take from a smaller planter. All tobacco so received was afterward sold for the treasury. The English government tried earnestly to have the Receiver sell at auction; but he usually managed to sell "by private arrangement" — often at a half or a third of the market value — to friends or associates. It was by so holding together and exchanging "favors" that the aristocracy maintained their power.

Special  
privileges  
again

*Especially was the public land a source of private riches.* Governor and Assembly readily made grants of wild land to almost any applicant; but law required the grantee to establish a certain number of settlers on each grant within ten years — one settler to every hundred acres — or the grant had to be declared forfeited. To locate and survey a tract cost somewhat, and to “settle” a large tract was impossible except to the wealthy. And the wealthiest had ways to shift this burden. In 1688 Colonel William Byrd secured a grant of more than three thousand acres. He failed to “settle” it; but *he was the chief officer of the colonial landoffice*, and he managed to keep back the declaration of forfeiture until 1701. Then the tract was re-granted at once to his close friend, Nathaniel Harrison, who, after a decent interval, deeded it back to Byrd for another ten years’ chance to settle. Another time, Byrd got nearly six thousand acres; and having failed to settle in the ten years, he had it transferred to his son. These grants were the foundation of one of the greatest Virginia family estates.

The small farmer in Virginia, after Bacon’s failure, had only one political power: once a year or once in two years he could vote for a member of the Assembly. Elections took place at the county courts, and became social gatherings also, with feasting and sports — wrestling, running, shooting at the mark — and sometimes with brutal rough-and-tumble fights. The speechmaking at these gatherings by rival candidates afforded no mean political training; and as large a part of the free White population came out to vote in Virginia as in New England. *But the common Virginia farmer voted on a much smaller range of matters, and much less often, than the common New England farmer.* The common Virginian had no voice in the many questions of local government that were discussed and settled in the New England town meeting, or any part even in choosing local officials — which was so large a part of New England politics.

After 1691 (page 118) the *central* governments of Massachusetts and Virginia grew more and more alike, but the *Local government in Virginia and in New England* *New England town and the Virginia county grew farther and farther apart*; and the influence of local government upon society is so great that Virginia as a whole grew more aristocratic, and Massachusetts more democratic. We have traced in part the development of these two types of local government; but we ought also to notice that the difference between them was largely based on the physical differences between the two colonies. In Virginia the soil, climate, and products made it profitable to cultivate large plantations by cheap labor under overseers. In Massachusetts, with its sterile soil, farming was profitable only when a man tilled his own ground, with at most one or two servants working under his own eyes. In Virginia, therefore, *population became scattered*, while in New England it remained *grouped in little farm villages*. In Virginia the people could not easily come together for effective action. The county became the political unit, and control fell naturally to the wealthy planters in small Boards. New England had no counties for some time, and then only for judicial districts. The town remained the political unit; and all the people of the town came together frequently, to take part in matters that concerned their common life. *The Virginia type of local government developed the most remarkable group of leaders that the world has ever seen. The New England type trained a whole people to democracy by constant practice at their own doors, and so Americanized America.*

The Middle colonies, whose story we take up in the next chapter, developed an intermediate type of local government with *both* towns and counties; and this mixed type became the common one in most of the West at a later day.

Even in New England the town meeting has lost its vitality, through the influx of foreign population and the growth of city life. This is a serious matter. *The original American democracy in the New England towns was "direct"*



*democracy.* In its first form this cannot be restored. But to keep our political life sound, we must find substitutes for it. So far the only effective one suggested lies in a further development of the initiative, referendum, and recall, — devices of direct democracy which also were originated in early New England.

#### IV. NEW COLONIES, 1660–1690

These same thirty years, 1660–1690, saw the number of English colonies in America doubled — from six to twelve. Soon after 1660 the beginnings of settlement were made in the *Carolinas*; the territory soon to be divided into New York, New Jersey, and Delaware was conquered from the Dutch; and Penn became proprietor of Pennsylvania. In all these new colonies the settlers waged sturdy constitutional struggles for self-government, ignoring or opposing the proprietary claims.

While New York was the Dutch New Netherlands, the people had no self-government whatever. The colony was a huge plantation (like early Virginia) under the arbitrary rule of the "Director General" and his Council, appointed in Holland. There were a number of great landlords (*patroons*) in the colony; and, in local affairs, each patroon had feudal authority over the villages of settlers on his lands. *The only promising movement for self-government under Dutch rule came from English immigrants.* Four English towns had been established on Long Island while it was claimed by Connecticut. These afterwards passed under the rule of New Netherlands. In 1653 a meeting of representatives from various parts of the colony was held, to demand from Director Stuyvesant a measure of self-government. This meeting was inspired by the English towns, and it was dominated by their delegates. The "remonstrance" to Stuyvesant was drawn in the English language; the signatures are largely English names; and the document contains

The English  
movement  
for self-  
government  
in New  
Netherlands



the democratic English phrases of that day. Stuyvesant, in explaining the matter to the authorities in Holland, wrote: "It ought to be remembered that the Englishmen, *who are the authors and leaders in these innovations*, enjoy more privileges than the Exemptions of New Netherlands grant to any Hollander."

Before true representative government grew out of this agitation, came the English conquest of New Amsterdam in 1664 (page 114). King Charles gave the conquered province to his brother James, Duke of York, for whom it was renamed. The population was mainly non-English; and, as a conquered people, it had no constitutional claim to political rights. Accordingly, the charter to James said nothing of any share by the people in the government. In spite of this, the governor, Nichols, found himself obliged to satisfy the Long Island towns by promising them privileges "equal to those in the New England colonies," *and it soon proved necessary to introduce a representative Assembly* (1682). Down to the Revolution, however, the governor had more extensive prerogatives in New York than in any other colony.

*Early Pennsylvania* owed more to William Penn than any other colony did to its proprietor. Penn is one of the striking figures in history. Son of a famous and wealthy English admiral who had added Jamaica to England's colonies, he risked his inheritance, as well as all prospect of worldly promotion, in order to join the Quakers. Happily for the world, his resources were not taken from him after all, and he kept the warm friendship of men so different from himself as the royal brothers, Charles and James. Through this friendship, Penn was selected to help some Quaker proprietors organize the colony of New Jersey, and thereby he became interested in trying a "Holy Experiment" in a colony of his own. The Council for colonial affairs had already become jealous of proprietary grants (page 115); but James readily gave him the old Swedish settlements on the *Delaware*, — then part of conquered New York. Penn,

New York  
wins repre-  
sentative  
government

William  
Penn

however, wished a still freer field to work in, and soon he secured from King Charles, in consideration of a large debt due him from the crown, a grant of wild territory west of the Delaware between New York and Maryland.

Owing to geographical ignorance, the grant conflicted with those of Massachusetts and Connecticut, and especially with those of New York and Maryland. The adjustment with Maryland was not finally accomplished until 1767, when *Mason and Dixon*, two English surveyors, ran the boundary line that goes by their name — commonly referred to in later history as the dividing line between North and South.



WILLIAM PENN AT 22 (before his conversion).  
From the painting by Sir Peter Lely, now in the gallery of the Pennsylvania Historical Society.

*Penn's charter of 1680* gave him proprietary power like that of Baltimore in Maryland, *with some limitations*. Settlers were guaranteed the right of appeal from colonial courts to the king in council, and all colonial laws were to be subject to a royal veto. The Quaker colony was required to tolerate the established English church, and especial emphasis was placed upon obedience to the navigation laws. A unique clause renounced all authority on the part of the crown to tax the colonists *without the consent of the Assembly or of Parliament*, — an indirect assertion that Parliament might tax the colony. The Delaware settlements were not covered

And his  
charter for  
Pennsyl-  
vania

by the charter, but had a similar form of government under the same proprietor.

Pennsylvania knew none of the desperate hardships that make so large a part of the story of the earlier colonies.

Early  
Pennsyl-  
vania :  
rapid growth

The wealthy Quakers of England and Wales helped the enterprise cordially, and the Mennonites (a German sect somewhat resembling Quakers) poured in a large and industrious immigration. In 1687 one of their settlements voiced the first protest in America against slavery: "Those who steal or rob men, and those who buy or purchase them, — are they not all alike? Here is liberty of conscience . . . and here ought to be likewise liberty of the body. . . . To bring men hither or to robb or sell them against their will, we stand against." Thanks to Penn's wise and just policy with the natives, there were no Indian troubles. Population increased rapidly, and material prosperity was unbroken. By 1700 (when only twenty years old) the colony stood next to Virginia and Massachusetts in wealth and numbers. Unlike other colonies, except conquered New York, *the population was at least half non-English* from the first, — Welsh, Germans, Swedes, Dutch, French, Danes, and Finns.

Penn took no thought to extend his own powers. His ideas, for the time, were broad and noble. "The nations want a precedent for a just and righteous government," he wrote. . . . "*The people must rule.*" And again, in a letter to a friend, "I propose . . . to leave myself and my successors no power of doing mischief — that the will of one man may not hinder the good of a whole country." To the expected settlers he proclaimed (1681), "You shall be governed by laws of your own making, and live a free and, if you will, a sober and industrious people."

The first "Frame of Government" granted by Penn to the colonists was very liberal but it was clumsy; and even with a proprietor so unselfish and settlers so good, politics were confused by bitter quarrels for some years. Finally Penn was persuaded to substitute for that first charter a new fundamental law, the *Charter of 1701*. The colonists accepted



this by formal compact, and it remained the constitution of Pennsylvania until 1776. The governor was appointed by the proprietor, and had a veto upon all legislation. He was aided by an appointed Council, — which body was *not* part of the legislature. The people chose a one-House Assembly each year. *This body had complete control over its own sittings*: the charter fixed a date for the annual meeting, and provided that the Assembly should be *dissolved only by its own vote*. Freedom of conscience was guaranteed to all who believed in “one Almighty God”; and the franchise was given to all who accepted Christ as the “Savior of the World” and who owned 50 acres of land or £50 personal estate. Pennsylvania was the only colony in which Roman Catholics had political rights in the eighteenth century. (Rhode Island disfranchised them in 1719, and for Maryland, see page 46.)

Penn's  
Charter of  
1701 to the  
colony

The provision for religious freedom was declared *not* subject to amendment. All other parts of the charter could be amended by the joint action of the proprietor and six sevenths of the Assembly. *This was the first written constitution to provide a definite machinery for its own amendment.*

*The “Restoration” of Charles II began a new era for the English race*; but the two divisions of Englishmen on opposite sides of the Atlantic met very different fates. In England itself, the second Stuart period (1660–1688) was a time of infamy and peril. *In America, it was singularly progressive and attractive.* For the first time the *government* of the home land took an active part in fostering the plantations; and the separate colonies first began to have a *common* history. Three great characteristics marked the period: —

Summary  
for 1660–  
1690

*English territory in America was greatly expanded.*

*The English government established its first real “colonial department,” to regulate colonial affairs and to draw the plantations into a closer dependence upon England.*

Three char-  
acteristics

This new attitude of the home government, both in its wise and unwise applications, stirred the colonists to a *new insistence upon their rights of self-government*.

Thus there developed an "irrepressible conflict" between the natural and wholesome English demand for imperial unity and the even more indispensable American demand for local freedom. Of this struggle the most picturesque episodes are Bacon's Rebellion in Virginia and the Andros incident in New England. The conflict was intensified by evil traits on both sides, — by the personal despotic inclinations of James II and of some of his agents in the colonies, and by pettiness and ignorance on the part of the colonists; and each party was blind to the good on the other side. Still the unconquerable determination of the colonists to manage their own affairs, even though inspired in part by narrow prejudice, is the central fact of the period. If we mark the period by one phrase we may best call it *the era of the struggle to save self-government*.

During this period, too, the view-point for our history is shifting. Until 1660, the colonists are *Englishmen* — enterprising Englishmen busied in establishing themselves on scattered outlying frontiers. After 1690, they are *Americans* — *colonial* Americans, it is true, dependent still upon England, partly from custom, partly from affection, and largely from need of protection against the French on the north.

The marks of this period are all found, intensified, in the next seventy years, — with the addition of one new element, the incessant war with the French and Indians.

The struggle  
to save self-  
government

English  
pioneers  
become  
colonial  
Americans

## CHAPTER VII

### "COLONIAL AMERICANS," 1690-1763

DESPITE frequent wars, the seventy years between the English Revolution and the American Revolution (1690-1760) were a period of marvelous prosperity for the colonies. The older districts grew from straggling frontiers into rich and powerful communities marked by self-reliance and intense local patriotism. A new colony, Georgia, was added on the south (1732), and new frontiers were thrown out on the west. Population rose sixfold—from 250,000 (page 107) to 1,600,000; and large non-English elements appeared, especially in the middle colonies.

Seventy  
years of  
prosperity

The most numerous of these were the *German Protestants*, driven from their homes in South Germany by religious persecution and by the wars of Louis XIV. This immigration began to arrive about 1690. It went mainly to New York and the Carolinas and especially to Pennsylvania. To the latter colony alone more than 100,000 Germans came between 1700 and 1775. A smaller but highly valuable contribution to American blood was made by the *Huguenots*, driven from France after 1683 by the persecution of Louis XIV. They came mainly to the Carolinas; but some settled in New England, New York, and Virginia. The names Paul Revere, Peter Faneuil, and Governor Bowdoin suggest the services of their sons in Massachusetts.

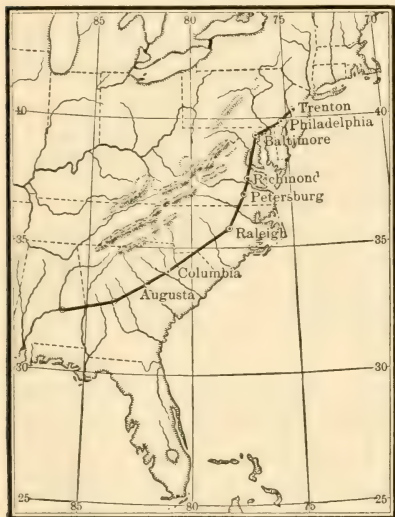
Non-Eng-  
lish immi-  
gration

Another immigration of this period belongs especially to a new section—the *Scotch-Irish settlement in the "West."* The first frontier in America was the "tidewater" region, extending some fifty miles up the navigable streams. Near the mouth of such rivers, or on the

The chang-  
ing frontiers



harbors along the coast arose the first line of cities, — Boston, Portsmouth, Providence, New York, Philadelphia, Annapolis, Charleston. By 1660 (that is, by the end of the first half century), when the first frontier had been transformed into settled areas, a *second thin frontier* had pushed on fifty or a hundred miles farther inland, to the *eastern foothills* of the Appalachians. Here, during the next half century,



THE WATERCOURSE FALL LINE.

at the head of navigation, and on sites of abundant water power, appeared a second line of towns, — Trenton, Princeton, Richmond, Raleigh, Columbia, — growing out of early stations for the fur trade. So far, frontier had kept in touch with settled area. But, about 1700, a third frontier leaped the first range of mountains, into the long, narrow valleys running north and south between the Alleghenies and the Blue Ridge, leaving a hundred miles of tangled

wilderness between itself and civilization. This region was the beginning of a new "section" in our history. It was our first "*West*." Moreover, it was made by a

The Scotch-Irish and our first "*West*"

new type of American settler, the Presbyterian Scotch-Irish. These were really neither Scotch nor Irish in blood, but Saxon English. For cen-

turies their fathers had lived in the Lowlands of Scotland as frontiersmen against the Celtic Scots of the Highlands. In the reigns of Elizabeth and James they had colonized northeastern Ireland, — frontiersmen against the Catholic and Celtic Irish. But after the English Revolution, the new navigation laws crushed their linen manufactures, — the chief basis of their prosperity there, — and the English

laws against the Irish Catholics bore heavily also upon these Presbyterian "dissenters" from the English Church. So, about 1700, with hearts embittered toward England, they began once more to seek new homes, — this time in America. In both Scotland and Ireland there had been some mixture of blood, but the dominant strain was still English.

The volume of this immigration increased rapidly, and it has been estimated that between 1720 and 1750 it amounted to an average of 12,000 a year. In numbers and in significance, the Presbyterian English of the West rank in our nation-making alongside the Episcopalian English of Virginia and the Congregational English of New England.

The Scotch-Irish came to America mainly through the ports of Philadelphia in the north and Charleston in the south. Many stopped in the settled areas; but a steady stream passed on directly to the mountains *and over them*. Reaching the Appalachian valleys in the far north and south, the two currents drifted toward each other, until they met in the Shenandoah valley in western Virginia. And thence, just before the American Revolution, under leaders like Boone and Robertson, they began to break through the western wall, to make a *fourth frontier* at the western foothills and farther west, in what we now call Kentucky and Tennessee. Until about 1850, the Scotch-Irish were the typical American frontiersmen, especially in the great middle West and Southwest. They showed a marvelous power to assimilate other elements that mingled with them, — German, French, Welsh, and even the real Irish and real Scotch, when these came, in small numbers, just before the Revolution. They have furnished, too, many leaders to our national life, — such as Andrew Jackson and "Stonewall" Jackson, Horace Greeley, Jefferson Davis, Patrick Henry, William McKinley, Woodrow Wilson.

Unlike the country east of the mountains, this new "West" had its real unity from north to south. Politically, it is true, the settlers were divided by the old established colonial boundary lines, running east and west; but, from

New York to Georgia, the people of this new frontier were one in race, religion, and habits of life, — hard, dogged farmers, reckless fighters and hunters, tall and sinewy of frame, saturnine, restless, dauntless of temper. Other immigrants to the New World had forced themselves into the wilderness, for high reasons, with gallant resolution, *against* natural inclination (page 69). *But these men loved the wild for itself.* Unorganized and uncaptured, armed only with ax and rifle (in the use of which weapons they have never been excelled), they rejoiced grimly in their task of subduing a continent. First of American colonists, too, did they in earnest face away from the Old World *in their thought*, and begin to look west toward the glorious destiny of the new continent.

From 1689 to 1763, with only short pauses for breath, France and England wrestled for the splendid prize of the Mississippi valley. This incessant war with the French and their dread Red allies made a somber background for all other movements in the English colonies. It was never for a moment to be forgotten by the daring frontiersman who shifted his home in search of better and cheaper land, or by the Assemblyman who wrangled with a royal governor for larger self-government.

For the most part the campaigns were fought on European fields; but at bottom the conflict was not determined on the battlefield. Two systems of colonization were at war in America, and free individualism won over despotic centralization (page 12). A French governor could wield effectively all the resources of New France, — though this advantage was offset in part by the corruption that always threatens such a system; while among the English, dissensions between colony and colony, and, within a given colony, between governor and Assembly, many times cost dear. *But in the long run, the autocratic governor proved no match for the democratic town meeting.* Had the French ever succeeded in seizing Boston, they could never have held it

The struggle  
with France  
for the cen-  
tral valley



—not even as long as King George did a few years later. On the other hand, the English needed only one decisive victory. For, despite the noble patriotism of a few great French leaders, the mass of French colonists had too little political activity to care greatly what country they belonged to, provided only they were treated decently.

The closing chapter of the struggle was "the Great French War" of 1754-1763, often called the "French and Indian War." Here the interest centers around two heroic antagonists, *Montcalm* and *Wolfe*. England's command of the seas made it impossible for France to send Montcalm the reinforcements he pled for; and Wolfe's victory at Quebec settled forever the fate of the continent. By the final treaties of 1763, England received Florida from Spain, and Canada and the eastern half of the Mississippi valley from France. The rest of the valley *France* ceded to her ally Spain, and, except for some West India islands, she *ceased herself to be an American power*. North America was left to the vigorous English commonwealths and to decaying Spain, with a dividing line, temporarily, at the great central river. The continent was destined to be English in speech and civilization.

In internal development the seventy years from the English Revolution to the American Revolution have been called "a forgotten half century." There are no brilliant episodes, no heroic figures, and no new principles. Much was done, however, in *extending* institutions already established. The central theme is the continuance of that inevitable conflict that appeared in the preceding period (page 132). Under the pressure of ceaseless war, England felt, even more keenly than before, the need of controlling her colonies; and the colonies, realizing dimly their growing strength, felt more and more their right to regulate their own affairs.

The projects of the English government to extend its influence in the colonies had two phases, commercial and political.

1. Several new Navigation Acts extended the old commercial policy of the home country. To the "enumerated articles" to be exported only through England, rice was added in 1706, and copper, naval stores,<sup>1</sup> and beaver skins in 1722. More important was a new kind of restriction upon American industry, — a series of attempts *to restrict or prohibit manufactures*. In 1696, a parliament of William III forbade any colony to export, even to England or to any other colony, *any woollen manufacture*. In 1732, exportation of *hats*<sup>2</sup> was forbidden. Legislation of this sort had no such excuse as the earlier navigation laws. The motive now was plain jealousy on the part of English manufacturers.

Bad as this was, the restrictions upon manufacturing so far were indirect: no colony had been forbidden to make any article for its own consumption. But in 1750 (almost at the close of the period) *the erection or use of iron mills was prohibited altogether*. Unlike the unpleasant features of the earlier commercial restrictions, too, this law could not be evaded. The half dozen iron mills that had appeared in the northern colonies were closed, and all manufacture of iron ceased, except for nails, bolts, and the simpler household and farm implements, such as in that day were turned out at the village smithy. These English laws of 1696, 1732, and 1750 were selfish and sinister, — the most ominous feature in all American colonial history. They must have become bitterly oppressive ere long, had the colonists continued under English rule; and at the time they fully deserved the condemnation visited upon them by the English economist, Adam Smith: "Those prohibitions are only impertinent badges of slavery, imposed upon [the colonies] without sufficient reason by the groundless jealousy of the manufacturers of the mother country." Unhappily the colonists seem to have felt aggrieved quite as much by

<sup>1</sup> England compensated the colonies by paying generous bounties upon such materials sent to her.

<sup>2</sup> Making hats from beaver skins had been a prominent industry in some northern colonies and in Pennsylvania.

the well-intended, if not always tactful, efforts of England to preserve American forests from careless and greedy destruction, and to prevent the issue of dishonest colonial paper money.

Another source of justifiable irritation was the "Sugar Act" of 1733, imposing duties on sugar and molasses from "foreign plantations" so high as to prevent the colonists from getting these articles any longer from the French West Indies, except by smuggling. The purpose of the law was to compel the colonies on the continent to buy their sugar from another *English* colony, Jamaica, where the sugar planters were in financial distress: it aimed to take from the mass of American colonists for the benefit of a specially privileged class of colonists. The law was suggested by a Boston merchant who owned plantations in Jamaica.

2. Attempts by the English government at closer political control first took the form of efforts to make colonies into royal provinces. For sixty years Virginia had been the only royal province. In 1685 New York was added to this class, when its proprietor became king. William III, at the opening of his reign, made Massachusetts practically a royal government (page 118), and, by a stretch of authority, he cut off New Hampshire from Massachusetts and gave it also that kind of government. Then came a series of attempts to change *all* colonies into royal provinces. In the remaining charter and proprietary colonies the Board of Trade found many just grounds for complaint. Besides the old offenses (evasion of navigation laws, refusals to permit appeals to England, and discrimination against the English Church), the Board was annoyed by Rhode Island's stubborn persistence in a shameful trade with pirates; by the refusal of Connecticut to let royal officers command her militia in war against the French; and by the absence in Pennsylvania and New Jersey of all militia. Experience had shown that English *courts* could not be depended upon to annul colonial charters (pages 74,



118), and so, in 1701, the Board recommended, in a strong paper, that the eight charter and proprietary governments be "reunited" to the crown *by act of parliament*. A bill to this effect passed two readings, with little opposition; but the hurried departure of King William for a campaign in Ireland forced a timely adjournment of parliament. The following year another bill was being prepared, when the death of the King compelled parliament to dissolve. In the next reign these efforts were renewed. But time had been given for the proprietors in England and the charter governments in America to rally all their influences, public and secret. The Whigs in parliament had great respect for charters and for "vested rights"; and the movement came to nothing.

The English government then fell back upon the early policy of William III, and attacked colonial grants *one by one*, as occasion offered. Before 1730, by taking advantage of a legal flaw, a serious disorder, or of the willingness of an embarrassed proprietor to sell, it added New Jersey and North and South Carolina to the list of royal provinces. Out of the last named, Georgia was carved for a proprietary province a little later; but it, too, soon came under a royal government. Down to the Revolution Maryland and Pennsylvania remained proprietary, and Connecticut and Rhode Island remained "corporate" colonies.

The common distinction between royal, proprietary, and charter colonies is not of great consequence. Connecticut and Rhode Island did keep their right to elect all branches of their government. Pennsylvania, not classed as a charter colony, possessed, through its grant from Penn, the next freest constitution, in the security of its legislature from interruption. Massachusetts, *with* its charter, had less valuable privileges, and resembled a royal province in all practical respects. *But the really important thing about the colonial governments was their resemblances. All had representative Assemblies, with no small degree of control over their governors, and*

Excursus:  
colonial  
contrasts  
and like-  
nesses

*all had the private rights of Englishmen*, — jury trial, free speech, freedom from arbitrary imprisonment, — which were not then found in the colonies of any other country.

The next step in the new colonial policy was to attempt closer control in the charter and proprietary colonies: (1) to require royal approval for the appointment of proprietary governors; (2) to place the militia of charter colonies under the command of a neighboring royal governor; (3) to set up appointed admiralty courts, without juries, so as to prevent evasion of the navigation laws; (4) to compel colonial courts to permit appeal to the privy council in England; (5) to enforce a royal veto upon colonial legislation; and (6) *to free royal and proprietary governors from dependence upon colonial Assemblies*. The last two points require some explanation.

Closer control in charter and proprietary colonies

(a) In theory, the king always possessed a veto, just as in parliament; but, even in Virginia, so early a royal colony, he rarely exercised it until after Bacon's Rebellion. Thereafter, it was expressly reserved in all colonial grants (as in that to Penn and in the Massachusetts charter of 1691), and the right was emphasized in every commission to a governor of a royal province. True, a colonial law went into effect *pending* adverse royal decision; but the veto was no mere form. Scores of important statutes were disallowed, sometimes after they had been in force for years. Fifteen Massachusetts laws of 1692 were vetoed in 1695, and eight statutes of North Carolina as late as 1754.

The royal veto on colonial laws

(b) Even in a royal province, the governor often showed little desire to carry out English instructions that conflicted with colonial views. *Partly, this was because the governor, living in close touch with the colonists, was likely to see their side of the case; but more commonly it was because his salary depended upon his keeping up a good understanding with the colonial legislature*. Every governor, in the words of a colo-

The struggle to get fixed salaries for royal governor

nist, had "two Masters, one who gives him his commission, and one who gives him his Pay." If the Assembly passed a bill distasteful to the home government, the governor could veto it; but the Assembly might then cut down his salary, or leave it altogether out of the vote of supply, — which, according to good English custom, was always *the last business of the session*. To free the governors from this dependence upon the popular will, the *English government tried for many years, in vain, to secure from the Assemblies a standing grant for such salaries*. In 1727, Burnet, governor of Massachusetts, laid before the Assembly his instructions to secure from that body a fixed grant of £1000 a year. Refusal, he said, would be taken by the King as "a manifest mark of undutiful behavior." On the other hand, a Boston town meeting bluntly called upon the Assembly "to oppose any bill . . . that may in the least bear upon our *natural rights* and charter privileges, *which, we apprehend, the giving in to the King's instructions would certainly do*." Burnet was popular, as well as able; and the Assembly voted him not £1000, but £1700, *for one year*. The governor indignantly refused to be "bribed" into proving false to his instructions. The Assembly raised their offer, still in vain. For three years the struggle continued. Then a new governor, in want of money, petitioned the crown to allow him to receive the annual grant *temporarily*. The English government assented, and Massachusetts had won.

To the credit of the monarchs, *no attempt was made, in this long contest, to suppress any colonial Assembly*. Indeed, while the English government did in some respects extend its powers in the colonies, still *the Assemblies also made substantial gains*. Everywhere the elected Houses claimed the powers and privileges of the English House of Commons. Especially did they *get more control over finances*. After long struggles, they shut out the appointed Councils from any authority over money bills (just as in England the House of Lords was no longer

Colonial  
gains



permitted to amend or reject bills of supply), and, in each colony, they created a *Treasurer*, not appointed by the governor, but *elected by the Assembly*.

This step grew out of an earlier practice of occasionally making the Speaker of the Assembly the guardian of funds appropriated for some particular purpose. Sometimes an Assembly encroached upon the authority of the royal governor even further, by turning over executive functions to commissions appointed by itself. In this appearance of new officers alongside the governor, we have the germ of the character of our later State executives in America, — several heads (governor, auditor, treasurer, etc.), each independent of the others. This is by no means the only case where a movement essential to liberty in one era has burdened later times with an unsatisfactory heritage.

*Private rights, too, were more clearly defined.* With the approval of the crown lawyers, the doctrine was established that the Common Law of England, with all its emphasis on personal liberty, was also the com- The English  
Common  
Law mon law of the colonies *even without express enactment*. And at least one advance was made in the colonies over English custom in the matter of personal liberty — namely, a *greater safety for a free press*.

In 1735 a tyrannical governor of New York removed the chief justice of the colony from office for personal reasons. *John Zenger* in his *Weekly Journal* published vigorous criticism of this action, declaring that, if unchecked, it threatened slavery to the people. A free  
press: the  
Zenger trial Zenger was prosecuted for criminal libel. In England at that day such a prosecution, backed by the government, was sure of success. In New York, the new chief justice, too, showed a determination to secure a conviction. He tried to limit the jury to deciding only whether Zenger was responsible for the publication (a matter not denied), reserving to himself the decision whether the words were punishable. This was the custom of English courts in such cases to a much later period. But Zenger's lawyer in a

great speech argued that public criticism is a necessary safeguard for free government, and that, to prevent the crushing out of a legitimate and needed criticism, *the jury* in such a trial must decide whether the words used were libelous or true. This cause, said he, is "not the Cause of a poor Printer alone, nor of New York alone," but of "every free Man on the Main of America." He called upon the jury to guard the liberty "to which Nature and the Laws of our Country have given us the Right, — the Liberty of exposing and opposing arbitrary Power (in these parts of the World at least) by speaking and writing the Truth." "*A free people,*" he exclaimed bluntly, "*are not obliged by any Law to support a Governor who goes about to destroy a Province.*" The jury insisted upon this right, and declared Zenger "Not guilty." Gouverneur Morris afterward styled this acquittal "the morning star of that liberty which subsequently revolutionized America."

The whole constitutional conflict outlined in this chapter was one of the chief preparations for the Revolution; and the training secured by the colonists in these struggles explains the skill with which they waged the long opposition to George III, from 1760 to 1775, before the contest became open war. The English historian, Doyle, says of the period 1690-1760: "The demands made upon the colonists, [and] the restrictions imposed upon them, were often in perfect conformity with equity and reason. [But] *it can seldom be said that the method of enforcement [by England] was sympathetic, or even intelligent. . . .* The temper of mind, the habits of thought and action, which made successful resistance possible [at the time of the Revolution] had their origin in these disputes, *which had kept alive an abiding spirit of bitterness and vindictiveness between the colonists and those set in authority over them, and had furnished the former with continuous training in the arts of political conflict.*"

Preparation  
for the  
Revolution

## CHAPTER VIII

### COLONIAL LIFE

BEFORE we pass to the separation from England, it remains to gather up a number of topics vitally related to colonial life, which have not fitted into our brief chronological story. Some of these have to do mainly with peculiarities due to existence on a distant frontier; some belong essentially to the age.

1. Much colonial legislation goes under the name of *Blue Laws*. The term signifies either *undue severity* in punishing ordinary crime, or *unreasonable interference* with personal liberty. In the first sense, — that of bloody laws, — the colonists could not be blamed by Europeans of their day. Everywhere, life was still harsh and cruel; but American legislation was more humane and rational than that of England or France. True, many barbarities did survive. The pillory and whipping post, with clipping of ears, were in universal use. As late as 1748, a Virginian law required every parish to have these instruments ready, and suggested also a ducking stool for “brabbling women.” Prison life was unspeakably foul and horrible. Death was the penalty for many deeds not now considered capital crimes in any civilized land; and many punishments seem to us ingeniously repulsive, such as branding for robbery or other crimes. (In nearly any part of the world outside New England the Hester of Hawthorne’s *Scarlet Letter* would have borne the shameful insignia of her sin, not worked upon her dress, but burnt upon her flesh.) When the colonies were growing up, there were over fifty offenses punishable with death in England. This number increased to about two hundred before the “sanguinary chaos” was reformed in the nineteenth

“Blue  
Laws”  
in New  
England



century. Not more than eighteen offenses were ever "capital" in New England. Virginia ran the number up to twenty-seven; but in large part this was due to her cruel slave laws, which were rarely enforced.

In the second meaning of Blue Laws, — that of inquisitorial legislation, — New England comes in for just criticism. Not that she was much worse than the rest of the world even in that. To-day, as a rule, legislation aims to correct a man's conduct only where it directly affects other people; but in that day, all over Christendom, the state tried to regulate conduct purely personal. This was because state and church were so closely connected. In Virginia, the colonial law required attendance at church, and forbade traveling on Sunday. In the Puritan colonies such legislation was more minutely vexing, — and more rigorously enforced. But even here the many laws against "immodest fashions and costly apparel" had to yield somewhat to the gentle Puritan mothers — as is manifest in a naïve entry of Winthrop's in 1638: —

"The court, taking into consideration the great disorder general through the country in costliness of apparel, and following new fashions, sent for the elders of the churches, and conferred with them about it, and laid it upon them, as belonging to them, to redress it, by urging it upon the consciences of their people, which they promised to do. But little was done about it; *for divers of the elders' wives, etc., were in some measure partners in this general disorder.*"

Moreover, the most common specific charges against New England are wholly false. It is still widely believed that in Connecticut the law forbade a woman to kiss her child on Sunday; that it prohibited playing on "any instrument of music except the drum, trumpet, and jewsharp"; and that it required "all males" to have their hair "cut round according to a cap." These "laws" are merely the ingenious vengeance of a fugitive Tory clergyman (S. A. Peters), who during the Revolution published in England a *History of Connecticut*. The ve-

And Mr.  
Peters' in-  
ventions

racity of the Reverend Mr. Peters may be judged from other items in his History. He pictures the inhabitants of a Connecticut village fleeing from their beds, mistaking the croaking of an "army of thirsty frogs" (on their way from one pond to another) for the yells of an attacking party of French and Indians; and he describes the rapids of the Connecticut River thus, — "Here water is consolidated without frost, by pressure, by swiftness, between the pinching, sturdy rocks, to such a degree of induration that an iron crow [bar] floats smoothly down its current!" This quaint book contains a list of forty-five alleged "Blue Laws." Some are essentially correct, and most have some basis in fact; but a few are the mere malicious inventions mentioned above, and it is by these almost alone that the "code" is generally known.

2. *Soon after 1650 there began a slow decay in Puritanism.* The historian Freeman complains that students of history go wrong because they think that "all the An-  
cients lived at the same time." Nor have all  
the Moderns lived at the same time. It is essen-  
tial to see the colonist of 1730 or 1700 as a  
different creature from his great grandfather of 1660 or 1630. Even in the first century in Massachusetts, the three generations had each its own character. The first great generation of founders (the leaders, at least) were strong, genial, tactful men, broadened by European culture and by wide experience in camp and court, and preserving a fine dignity, sometimes tender graces even, in their stern frontier lives. Their Puritanism was sometimes somber, but never petty. It was like the noble Puritanism of Milton in his youth, — the splendid enthusiasm of the "spacious Elizabethan days," sobered and uplifted by moral earnestness and religious devotion. Winthrop and Cotton and their fellows, who had left ancestral manor houses to dwell in rude cabins for conscience' sake, lived an exalted poem day by day in their unfaltering conviction of the Divine abiding within them and around them. But their children

The three  
generations  
of Puritans  
in the 17th  
century

could not easily rise to this height. As early as 1646, the Massachusetts General Court laments the desecration of the Sabbath by "youths and maydes" "uncivilly walkinge in the streets and fields . . . and otherwise misspending that precious time"; and in the records of Watertown for 1669 we read, — "It was agreed that the selectmen shall take their turnes, every man his Day, to site upon the Gallary to looke to the youthes . . . in the time of publike exercises on the Lords Days, and that the two Constables shalbe desired to take their turnes to site there also."

Grown to manhood, these sons and grandsons of the founders laid aside frivolity, it is true, and became solemn and stern; but they show Puritanism in the sere. The necessities of frontier life made them nimble-witted, inquisitive, pushing, better able than their fathers "to find their way in the woods" and to rear crops and children under New World conditions. But the unceasing struggle and petty privations (theirs not by choice now, but by compulsion), made their lives harsh and unlovely and bitter. Most of the finer thought and broad outlook of the first generation fell away, and they had never felt its splendid self-sacrifice. Faith gave way to formula; inspiration was replaced by tradition and cant. The second generation lost the poetry out of Puritanism; the third generation began to lose the power. Much that is vital to man always remained. Puritanism continued to teach the supremacy of conscience with emphasis never excelled in religious movements; and, in its darkest period, sweet and gentle lives sometimes blossomed out of it. But before 1700 it showed a great decline.

That decay was associated with *a marked increase in gloom* in New England life. Gloom had been an *incident* of Puritanism in its best day: now it became *so dominant* as to distort religion. The damnation scene of Wigglesworth's *Day of Doom* was long the most popular "poetry" in New England. Two extracts may indicate its character for literature and for thought: —



“They cry, they roar, for Anguish sore,  
 And gnash their Tongues for horror :  
 But get away without delay ;  
*Christ pities not your Cry.*  
 Depart to Hell : there you may yell  
 and roar eternally.

\* \* \* \* \*

“God’s direful Wrath their bodies hath  
 Forever immortal made . . .  
 And live they must, while God is just,  
 That He may plague them so.”

Among these “damned,” over whose fate the poet gloats in this way, he is careful to include all *unbaptized infants* as well as

“civil honest men,  
 That loved true Dealing and hated Stealing,  
 Nor wronged their brethren,”

but whose righteousness had not been preceded by “effectual calling,” in the grotesque phrase of the time.

To modern ears this seems comic. But men of that day preferred Wigglesworth’s ghastly doggerel to Milton ; and, as Lowell says with biting satire, the damnation scene was “the *solace* of every Puritan fireside.”

3. *Another phenomenon connected with the fanaticism of Puritanism in its worst age was the “Salem witchcraft madness” of 1692.* Throughout the seventeenth century, all but the rarest men believed unquestioningly that the Devil walked the earth in bodily form and worked his will sometimes through men and women who had sold themselves to him. These suspected “witches,” — usually lonely, scolding, old women, — were objects of universal fear and hate. In Switzerland, Sweden, Germany, France, Great Britain, great numbers of such wretches were put to death, not merely by ignorant mobs, but by judicial processes before the most enlightened courts. In England, in 1603, parliament sanctioned this Common Law process by a statute providing the penalty of death

The Salem  
 witchcraft  
 madness

for those who should have "Dealings with evill Spirits." (This law remained on the English statute books until 1735; and in 1711 Jane Wenham was convicted under it of "conversing with the Devil in the shape of a cat.") The New England codes contained similar legislation. In Virginia, Grace Sherwood was "swum for a witch" in 1705, and, in as much as she was not drowned, the jury declared her guilty; but she escaped punishment through the enlightened doubts of the gentry Justices. In the more progressive Pennsylvania, the most that could be secured from a jury was a verdict against an accused woman of "guilty of haveing the Common fame of a witch, *but not guilty as She stands Indicted.*" In Maryland a woman was executed on the charge of witchcraft. But most of the American persecutions occurred in New England. Connecticut executed eleven witches, and about as many more suffered death in Massachusetts before 1690. Then came the frenzy at Salem; and *within a few months twenty were executed*, while the prisons were crammed with many scores more of the accused. The clergy took a leading part in the prosecutions; and the hideous follies of the trials are almost incredible. While the madness lasted, the flimsiest accusations were equivalent to proof. One neat woman had walked some miles over bad roads without getting herself muddy: "I scorn to be drabbled," she said. Plainly she must have been carried by the Devil! And so "she was hanged for her cleanliness."

Finally the common sense of the people awoke, and the craze passed as suddenly as it had come. With it closed all legal prosecution for witchcraft in New England, rather earlier than in the rest of the world; but the atrocities of the judicial murders crowded into those few months stand a lasting, and needed, warning against popular frenzy.

4. In the early eighteenth century the reaction against the witchcraft delusion, the general decline of Puritanism, and the influx of dissenting Baptists and Episcopalians into New England greatly lowered the old influence of the Puritan

clergy in society and in politics. There began, too, here and there, a division within Puritan churches, foreshadowing the later Unitarian movement. This loss of religious unity brought with it for a time some loosening of morals, and part of the people ceased to have any close relation to the church, — though all were still compelled to go to service each Sunday.

About 1735 a reaction from the religious indifference of the day manifested itself in "the Great Awakening." The powerful preaching of *Jonathan Edwards* and the impassioned oratory of *George Whitfield*, one of the founders of English Methodism, caused for a time a powerful revival movement in America — characterized by the features that later movements of a like kind have made so familiar.

"The Great Awakening" of 1735

5. Of the original immigrants below the gentry class, a large proportion could not write their names; and for many years, in most colonies except Massachusetts and Connecticut, there were few schools. Parents were sometimes exhorted by law to teach their children themselves; but all lacked time, and many lacked knowledge. Mary Williams, wife of Roger Williams, signed by her "mark." So, too, did Priscilla Alden in Plymouth; and in 1636 the authorities of that colony excused themselves to critics in England for having as yet *no school*, on the plea of poverty and the pathetic fact that "Divers of us take such paines as they can with their owne." *The closing years of the seventeenth century*, in particular, were a period of deplorable ignorance, — *the lowest point in book education ever reached in America.*

Schools

With the dawn of the eighteenth century, and its greater prosperity, conditions began to improve. In *Pennsylvania*, parents were required, under penalty of heavy fine, to see that their children could read, and several free elementary schools were established. In *Maryland* the statute book provided that each county should maintain a school, with a teacher belonging to the established Episcopalian Church;



but, since most of the inhabitants were Catholics or Protestant dissenters, the law was ineffective. *In Virginia*, in 1671, Governor Berkeley had boasted, "I thank God there are no free schools here nor printing," and had hoped that for a hundred years the province might remain untroubled by those causes of "disobedience and heresy." Half a century later another governor of Virginia complained bitterly that chairmen of committees in the Assembly could not write legibly or spell intelligibly. But by 1724, twelve free schools had been established by endowments of wealthy planters, and some twenty more private schools were flourishing. *South of that colony* there was no *system* of schools whatever. Here and there, however, the churches did something toward teaching children; and of course the wealthy planters of South Carolina, like those of Virginia and Maryland, had private tutors in their families, and sent their sons to colleges in their own or neighboring colonies or to the English universities. *In New York*, the Dutch churches had begun free schools; but at a later time, because of the connection with the church, these almost disappeared. *Massachusetts and Connecticut* from the beginning had a remarkable system of public education (below); and the other New England colonies gradually followed in their footsteps.

*By 1760*, though the actual years of schooling for a child were usually few, *an astonishingly large part of the population could read*, — many times as large, probably, as in any other country of the world at that time; *but there was still dolefully little culture of a much higher quality*. Between 1700 and 1770 several small colleges were established, in addition to the older Harvard (page 155) and William and Mary, in Virginia, 1696; Yale, 1701; Princeton, in New Jersey, 1746; King's, in New York (now Columbia), 1754; the University of Pennsylvania (through the efforts of Franklin), 1755; and Brown, in Rhode Island, 1764. *South of Virginia* there was no educational institution of rank; and none of the colleges just named equaled a good high school of to-day in curriculum, or equipment, or faculty. With a few notable

exceptions, the only private libraries of consequence were the theological collections of the clergy. In 1698 the South Carolina Assembly founded at Charleston *the first public library in America*, and about the middle of the eighteenth century Franklin started a *subscription library* at Philadelphia. In 1700 there was no American newspaper. The *Boston News Letter* appeared in 1704, and, by 1725, eight or nine weeklies were being published, pretty well distributed through the colonies. Ten years later, Boston alone had five weeklies.

It should be noted clearly that in New England such education as there was, was open to all on fairly equal terms; while south of Maryland, education, high or low, was practically only for the few. On the other hand, the great planters of the south were by all odds the best educated men in America, acquainted with literature, history, politics, and law, and with such science as the age had, and more or less in touch with European culture and habits of thought.

*The schools of early Massachusetts and Connecticut demand a longer treatment.* Here was the splendor of Puritanism, — a glory that easily makes us forget the shame of the Quaker and witchcraft persecutions. The public school system of America to-day, in its essential features, is the gift of the Puritans.

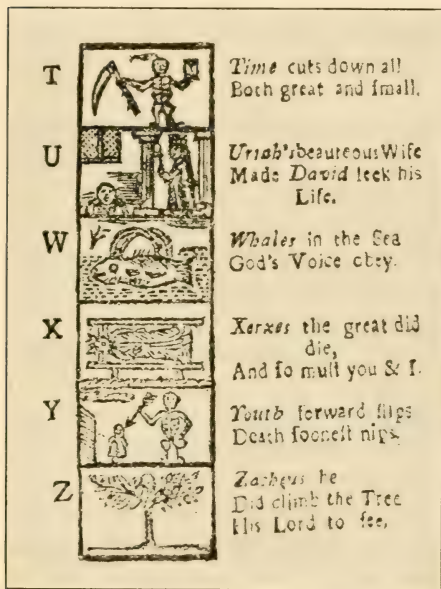
In Massachusetts, *private* schools were found in some villages from the building of the first rude cabins. In 1635, five years after Winthrop's landing, a Boston town meeting adopted one of these private schools as a *town school*, appointing a schoolmaster and voting from the poor town treasury fifty pounds (some twelve hundred dollars to-day) for its support. So Salem in 1637, and Cambridge in 1642. Such schools were a new growth in this New World, *suggested*, no doubt, by the parish schools of England, *but more generously planned* for the whole public, by public authority. They were *free* in the sense of being *open* to all. Commonly they were supported in part by taxation, but tuition was charged also to help cover the cost.

So far, the movement and control had been *local*. Next the commonwealth stepped in to adopt these town schools and weld them into a *state system*. This step, too, was taken by the men of the *first generation*, — pioneers, still struggling for existence on the fringe of a strange and savage continent. In 1642, “in consideration of the neglect of many

parents to train up their children in learning *and* labor, which might be *profitable to the Commonwealth*,” the General Court passed a Compulsory Education Act of the most stringent character. This law even authorized town authorities to take children from their parents, if needful, to secure their schooling.<sup>1</sup>

This Act *assumed* that schools were accessible in each town. Five years later, the commonwealth *required* each village to maintain at least a *primary* school, and each town of a hundred houses to keep up a *grammar*

school (Latin school). This great law of 1647 (written with solemn eloquence, as if, in some dim way, the pioneers felt the grandeur of their deed) remains one of the mighty factors that have influenced the destiny of the world. James Russell Lowell, after a delightful remi-



A PAGE FROM THE EARLIEST KNOWN EDITION OF THE NEW ENGLAND PRIMER, the first New England textbook not made up wholly of extracts from the Bible. The first edition appeared about 1680, and the book held its place until long after the Revolution.

<sup>1</sup> The Puritan purpose was good citizenship, as well as religious training. The preamble of the similar Connecticut Act of 1644 runs: “For as much as the good education of children is of *singular behoof and benefit to any Commonwealth*,” etc.



niscence of the New England crossroads schoolhouse, continues : —

“Now this little building, and others like it, were an original kind of fortification invented by the founders of New England. These are the martello-towers that protect our coast. This was the great discovery of our Puritan forefathers. They were the first lawgivers who saw clearly, *and enforced practically*, the simple moral and political truth, that knowledge was not an alms, to be dependent on the chance charity of private men or the precarious pittance of a trust-fund, but a sacred debt *which the commonwealth owed to every one of its children*. The opening of the first grammar-school was the opening of the first trench against monopoly in state and church; the first row of pot-hooks and trammels which the little Shearjashubs and Elkanahs blotted and blubbered across their copybooks was *the preamble to the Declaration of Independence*.”

*The Puritan plan embraced a complete state system from primary school to “university.”* In 1636, a year after Boston established the first town school, Massachusetts established her “state university” (as Harvard truly was in the seventeenth century, though it was named for the good clergyman who afterward endowed it with his library). Then the law of 1647 *joined* primary school and university in one whole, providing that each village of a hundred householders must maintain a “grammar-school, with a teacher able to instruct youth *so as they may be fitted for the University*.”

NOW I lay me down to sleep,  
 I pray the Lord my soul to keep,  
 If I should die before I wake,  
 I pray the Lord my soul to take.  
 Good children must  
 Fear God all day, Love Christ alway,  
 Parents obey, In secret pray,  
 No false thing say, Mind little play,  
 By no sin stray, Make no delay,  
 In doing good.  
 Awake, arise, behold thou hast,  
 Thy life, a leaf, thy breath, a blast;  
 At night lie down prepar'd to have  
 Thy sleep, thy death, thy bed, thy grave.

A PAGE FROM THE PAISLEY EDITION OF THE NEW ENGLAND PRIMER, 1781. This “evening prayer” appeared first in the second edition of the Primer, nearly a hundred years earlier.

True, this noble attempt was too ambitious. Grinding poverty made it impossible for frontier villages of four or five hundred people to maintain a Latin school; and, despite heavy fines upon the towns that failed to do so, such schools gradually gave way, except in one or two large places, to a few private academies, — which came to represent the later New England idea in secondary education. Thus, the state system was broken at the middle, and both extremities suffered. The universities ceased finally to be state institutions; and the primary schools deteriorated sadly, especially in the period of Puritan decline about 1700, with meager courses, short terms, and low aims. But with all its temporary failure in its first home, the Puritan ideal of a state system of public instruction was never wholly lost sight of in America.

6. Population in 1775 numbered 2,500,000. One third had been born in Europe. The English nationality was dominant in every colony. In the Carolinas the Huguenots were numerous, and in South Carolina and Georgia there was a large German population. South Carolina, too, had many Highland Scots. These came to America after the defeat at Culloden and the breaking up of the clan system. Curiously enough, they were Tories in the Revolution. The same conservative and loyal temper which had made them cling to the exiled House of Stuart in England made them in America adherents of King George. The largest non-English elements were found in the Middle colonies: Dutch and Germans in New York; Dutch and Swedes in Delaware; Germans, Welsh, and Celtic Irish in Pennsylvania. In the Carolinas, Virginia, and Pennsylvania, the back counties were settled mainly by the Scotch-Irish.

In 1619, while Virginia was still the only English colony on the continent, she received her first importation of Negro slaves, twenty in number. As late as 1648, there were only 300 in her population of 15,000. By 1670 the number had risen to 2000 (out of a total of 40,000). A century later nearly half her population was Black, while in

South Carolina, more than half was Black. In Maryland the proportion was about a fourth, and in New York a seventh. Negroes made a fifth of the whole population, and half of that south of Mason and Dixon's line. That line divided the population of the country into two nearly equal halves; but *two thirds of the Whites* were found on the north side of it.

7. *Labor* was supplied, in the main, by *free men in New England*, by *indentured White servants* in the Middle colonies, and by *Negro slaves in the South*. The White bondservants were of several classes. The man who sold himself into service for four or seven years in return for passage money for himself or his family, was known as a "*redemptioner*," or "*free-willer*." The German immigrants of the eighteenth century, like many of the English settlers, came in this way. Many *White convicts* were transported from England and condemned to a term of service, — seven or fourteen years. After 1717, this class increased rapidly in number, averaging 1000 a year for the fifty years preceding the Revolution. Classed with the convicts in law, but very different from them in character, were the *political "convicts,"* — prisoners sold into service by the victorious parties, each in turn, during the English civil wars of the seventeenth century. Often the convicts were not hardened criminals, but rather the victims of the atrocious laws in England at the time. Many were intelligent and capable. In Maryland in 1773 a majority of all tutors and teachers are said to have been convicts. Some of them (like a much larger part of the redemptioners), after their term of service, became prosperous and useful citizens. Even in aristocratic Virginia, a transported thief rose to become attorney-general. Charles Thomson, Secretary of the Continental Congress, was a "*redemptioner*," as was also one of the signers of the Declaration of Independence. So, too, was Zenger (page 143); and many members of colonial legislatures could be named who came to America as "*bond servants*."

Labor in  
the different  
sections



The condition of the *White servants* was often a deplorable servitude. The colonial press, up to the Revolution, teems with advertisements offering rewards for runaway *White "servants"* servants. More than seventy such notices are contained in the "Newspaper Extracts" published in the New Jersey Archives for that little colony, for only the two years, 1771, 1772. This must have meant one runaway servant to each 1000 of the population; and probably not half the runaways are in those advertisements. One runaway is described as "*born in the colony,*" about 50 years

## THIS Day run-away from his Master

*Abraham Anderfon* of *New-Marblehead*, a white Man Servant, about 16 Years of Age, with short brownish strait Hair, he is pretty clear skind, something freckled, and I think, on his left Foot the top of one of his middle Toes is cut off: He carried off with him a striped worsted and wool Jacket, two tow and linnen Shirts, one pair of tow and linnen Trowfers, and one pair of tow and linnen striped Breeches, two pair of lightish coloured blue Hoiie, and a new Calkor Hat: His Name is *Florence Sylvestier* alias *Ned Carter*: Whosoever shall apprehend and take up said Fellow, and him deliver to his abovesaid Matter in *New-Marblehead*, in the County of York, or to Capt. *Joshua Bangs* in *Falmouth*, shall have FOUR POUNDS, lawful Money, as a Reward, and all necessary Charges paid.

August 25. 1755.

*Abraham Anderfon,*

ADVERTISEMENT FROM THE *Boston Weekly News Letter*, September 18, 1755. A photograph of the original, which is in the collection of the Massachusetts Historical Society.

old, and as having "*served in the last war [French War] and a carpenter by trade.*" There are still more significant and gruesome notices by jailers, proving that it was customary to arrest a vagrant working-man *on suspicion* of his being a runaway, and then, if no master appeared to claim him within a fixed time, to sell him into servitude *for his jail fees!* Some of these White "servants" are described as fitted with "iron collars." American law and custom permitted these barbarities upon the helpless poor in the days of Lexington and Bunker Hill.

Negroes were not numerous enough in the North (except

perhaps in New York) to affect the life of the people seriously. In the South, Black slavery degraded the condition of the indentured White "servant," and — more serious The "Black still — made it difficult for him to find profit- laws" able and honorable work when his term of service had expired. As early as 1735, the result appeared in the presence of the class known later as "Poor Whites." In that year Colonel William Byrd declared that these "Ethiopians" "blow up the Pride and ruin the Industry of our White People, who, seeing a Rank of poor Creatures below them, detest work for Fear it should make them look like Slaves." In Virginia, as a rule, slavery was mild; while in South Carolina and Georgia it was excessively brutal. In those two colonies the rice plantations called constantly for fresh importations of savage Africans. In all colonies with a large slave population there were cruel "Black laws," to keep slaves from running away; and everywhere the general attitude of the law toward the slave was one of indifference to human rights. The worst phases of the law were not often appealed to in actual practice; but in New York in 1741, during a panic due to a supposed plot for a slave insurrection, fourteen negroes were burned at the stake (with legal formalities) and a still larger number were hanged, — all on very flimsy evidence.

8. *Dependence upon slave labor helped to keep industry purely agricultural in the South*, since the slave was unfit for manufactures or for the work of a skilled artisan.

*Tobacco raising* was the chief employment in the tidewater districts of Maryland, Virginia, and North Carolina, and *rice cultivation* in South Carolina and Georgia. These tidewater staples were grown mainly on *large plantations*; and the Virginia planter in particular sought to add estate to estate, and to keep land in his family by rigid laws of entail.<sup>1</sup> Between this class of large planters and the "Poor Whites,"

Southern  
industry:  
agricultural  
staples for  
export

<sup>1</sup> "Entail" is a legal arrangement to prevent land from being sold or willed away out of a fixed line of inheritance. Entail is found only with *primogeniture*.

however, there was always a considerable number of *small farmers* in Virginia; and in North Carolina this element was the main one. The western counties of all the colonies were occupied exclusively in small farming.

In the Middle colonies, *foodstuffs were raised on a large scale*. These colonies *exported* to the West Indies (both English and French) most of the bread, flour, beer, beef, and pork used there. In these colonies, too, immigrant artisans from Germany early introduced *rudimentary manufactures*, — linen, pottery, glassware, hats, shoes, furniture.

The Middle colonies: foodstuffs and manufactures



AN ENGLISH COLONIAL-BUILT SCHOONER, *The Baltic*, coming out of St. Eustatia, Dutch West Indies, November, 1765. From a water color in the Essex Institute, Salem, Mass.

In New England, *occupations were still more varied*. The majority of the people still lived in agricultural villages and tilled small farms; but they could not wring all their subsistence from the scanty soil. Each farmer was a "Jack-at-all-trades." In the winter days, he hewed out clapboards, staves, and shingles; and in the long evenings, at a little forge in the

The varied occupations of New England



fireplace, he hammered out nails and tacks from a bar of iron. Even in the towns, all but the merchant and professional classes had to be able to turn their hands to a variety of work if they would prosper. Mr. Weeden tells of a certain John Marshall, a constable at Braintree, and a commissioned officer in the militia company there, who "farmed a little, made laths in the winter, was painter, carpenter, and messenger, and burned bricks, bought and sold live-stock," and who managed by these varied industries to earn about four shillings a day. Manufactures also had appeared, though, with one exception, on a smaller scale than in Pennsylvania. The exception was *shipbuilding*.

New England built ships for both American and English markets. With her splendid timber at the water's edge, Massachusetts could launch an oak ship at about half the cost of a like vessel in an English shipyard; and in 1775 at least a third of the vessels flying the English flag had been built in America. The swift-sailing schooner, perfected in this period, was peculiarly a New England creation.



AN AMERICAN MERCHANT SHIP, of the type known as "tall-masted" or "deep-sea going."

Another leading industry was the *fisheries*, — cod, mackerel, and finally, as these bred an unrivaled race of seamen, the whale fisheries of both polar oceans.

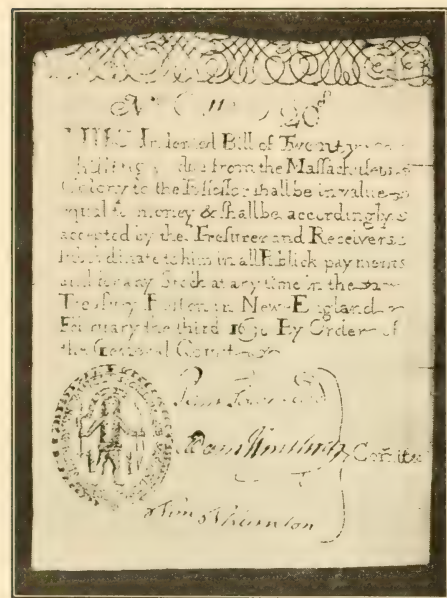
*New England, too, was preëminently the commercial section.* Her schooners — often from villages like Gloucester — carried almost all the trade between colony and colony for the whole seaboard. And in centers like Boston and Newport (as also in New York and Philadelphia in the Middle colonies) there grew up an aristocracy of great merchants (in the old English meaning of the word), with ware-

Commerce

houses, offices, wharves, and fleets of tall-masted ships on every sea, and agents or correspondents in all parts of the world. One favorite circle of exchange was the “three-cornered route”: (1) New England merchants carried rum to Africa, to exchange for Negro slaves; (2) these they sold largely in the West Indies for sugar; and

(3) this sugar they brought home, to make into more rum with which to buy more slaves.

*All the colonies imported their better grades of clothing and of other manufactures from England. The southern planters dealt through agents in England, to whom they consigned their tobacco. For the other colonies the circle of exchange was a trifle more complex. They imported from England more than they sold there. But they sold to the West Indies more than they bought, re-*



MASSACHUSETTS PAPER MONEY OF 1690. From a bill in the collection of the Massachusetts Historical Society.

ceiving the balance in money, — mainly French and Spanish coins, — with which they settled the balances against them in England.

*This drain of coin to England was incessant through the whole colonial period. No coins were struck in the colonies,*

of course, except for the “Pine-Tree Shilling,” of Massachusetts; and there were no banks, to issue currency. Trade was largely carried on, not by money, but by barter; and in all colonies, especially in the first century, debts were settled and taxes were paid in produce (“pay”) at

a rate for each kind fixed by law. Wages and salaries were paid in the same way. The following record of a vote by a Plymouth town meeting in 1667 hints at the difficulty of getting "good pay" in such a method: "That the sume of fifty pounds shalbee alowed to Mr. Cotton [the minister] for this present yeare (and his wood). To be raised by way of Rate [assessed as a tax] to be payed in such as god gives, *ever onely to be minded that a considerable parte of it shalbee payed in the best pay.*" And toward the end of the colonial period a student at Harvard, afterward president there, paid his tuition with "an *old cow.*"

In the lack of a "circulating medium" (especially during the French and Indian Wars, when the governments needed funds), *nearly all the colonies at some time after 1690 issued paper money.* The matter was always badly handled, and great depreciation followed, with serious confusion to business. In consequence, the English government finally forbade any more such issues, to the great vexation of many people in America.

9. The deep-lying differences between the three great sections of colonial America were suggested roughly by certain significant external appearances of their homes. *The South had few towns,* — none south of Baltimore, except Charleston. The ordinary planters lived in white frame houses, with a long porch in front, set at intervals of a mile or more apart, often in parklike grounds. The small class of wealthy planters lived on vaster estates, separated from neighbors by grander distances. In any case, *a true "plantation," like a mediæval manor, was a unit, apart from the rest of the world.* The planter's importations from Europe were unladen at his own wharf, and his tobacco (with that of the neighboring small farmers) was taken aboard. Leather was tanned; clothing for the hundreds of slaves was made; blacksmithing, woodworking, and other industries needful to the little community, were carried on, sometimes under the direction of White foremen. The mis-

Colonial  
paper  
money

Outer  
symbols  
of the  
sections

The South-  
ern planta-  
tion



tress supervised weaving and spinning, the master rode over his fields to supervise cultivation. The two usually cared for the slaves, looked after them in sickness, allotted their daily rations, arranged "marriages." The central point in the plantation was the imposing mansion of brick or wood, with broad verandahs, surrounded by houses for foremen and other assistants and by a number of offices. At a distance was a little village of Negro cabins. The chief bond with



MOUNT VERNON, the home of George Washington, and a typical residence of a Southern planter. From a photograph.

the outer world was the lavish hospitality between the planter's family and neighbors of like position scattered over many miles of territory.

*A wholly different society was symbolized by even the exterior of New England.* Here the small farms were subdivided into petty fields by stone fences, gathered from the soil. All habitations clustered in hamlets, which dotted the landscape. Each was marked by the spire of a white church, and, seen closer, each was made up of a few wide, elm-shaded streets, with

The New  
England  
village

rows of small but decent houses in roomy yards. And yet, even in New England, people were expected to dress according to their social rank; and inferiors were made to "keep their places," in churches and public inns. The clubroom and the inn parlor were for the gentry only: the tradesman and his wife found places in the kitchen or taproom.

*The symbol of the West* was neither the broad-verandahed country mansion nor the town of elm-shaded streets cluster-

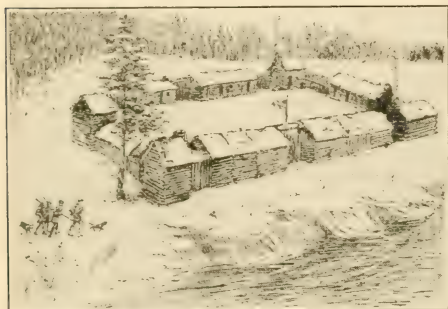


*Photograph by Homer L. Foote*

LEXINGTON GREEN, showing part of a New England village, with typical homes of the better sort. The deeper interest of this picture is explained on page 167, at the end of the chapter.

ing about a white spire. Rather it was a *stockaded fort*, with *scattered log cabins*, in their stump-dotted clearings spotting the forest for miles about it. As early as 1660, in *The West-* Virginia, there was a difference noticeable between *ern stockade* eastern and western counties. The great planters were not much attracted to the ruder frontier, and so the western districts were left almost wholly to a democratic society of small farmers. So in New England, by 1700, good land was scarce in settled districts, and town "free-holders" were less and

less willing to admit "cottagers" to rights of pasture on the town "commons." Accordingly, the more enterprising and daring of the landless men began to strike out for themselves in new settlements far up the rivers, — usually at some point where good water power suggested a mill site, and always where land could be taken almost at will. Long before the Revolution, men of New England birth had begun a newer and more democratic New England in the pine woods up the Kennebec and Androscoggin in Maine, along the upper course of the Merrimac in New Hampshire,



"BOONE'S FORT," one of the early western "stations." Cf. page 244. From a print based on contemporary accounts. The structure was 250 feet by 125, with heavy gates at the middle of the long sides.

in the Green Mountains of what was one day to be "Vermont," and in the Berkshires of Massachusetts — as about Pittsfield on the upper Housatonic.

Meanwhile, farther west, beyond the first mountain range, in the long valleys from Georgia to New York, the Scotch-Irish were building the true West (page 135). No rivers

made visits and trade possible for them with the older settled area — divided from it as they were by the bristling Blue Ridge; and so here difference of race and lack of intercourse added to the earlier distinction between eastern and western districts.

But in all the western regions, English or German or Irish, east or west of the Blue Ridge, *compared with the tidewater districts*, there was little aristocracy. The democracy of the West There were few large proprietors, few gentry, few servants, almost no slaves. The gold lace and powdered wigs of the older sections were rarely seen, and only on some official from the eastern counties. Nearly every male settler was a free proprietor working his own



land with his own hands, and eating and wearing the products of his own labor. There were fewer schools and fewer clergy than in the older region; and the hard conditions of life in the wilderness, and constant touch with savage enemies, developed a rudeness of manner and a ruthless temper. Both for good and bad, this new frontier had already begun in its own way to Americanize the old Europeanized frontier of the tidewater districts.

N.B. Lexington Green, shown on page 165, has of course its deepest interest as the scene of the first bloodshed of the American Revolution. On their way to Concord (page 208), the British regulars found a few Minute Men drawn up here in front of the Meeting House (from the site of which this photograph is taken). Inspired by the spirit of free Americans and by the sturdy heroism of Captain Parker's exhortation (note his words upon the Memorial stone), this little band stood its ground to a man, despite the British officer's order, "Disperse, you rebels," — and received a deadly volley. One of those who fell, the patriot Harrington, mortally wounded, dragged himself to his home (the house directly opposite), but died upon its steps while his wife was trying to assist him. Forever may men standing upon their rights but threatened by blustering tyranny remember the fine constitutional ring of Captain Parker's words, — "*Stand your ground! Don't fire unless fired upon. But if they mean to have a war, let it begin here.*"

## PART III — SEPARATION FROM ENGLAND

### CHAPTER IX

#### THE CAUSES

##### I. HOW THE FRENCH WARS PREPARED THE WAY

THE seventy years of Intercolonial wars closed in 1763. They had won for England a new colonial empire; but soon it became plain that they had also put at hazard her old empire. They had prepared her colonies in North America for union, removed the need of her protection, and brought her to tax them.

1. The common danger, during the long wars, had done much to bring the colonies together. In 1698 William Penn drew up a scheme for colonial federation, and in 1754, at a council of governors at Albany, Franklin presented his famous plan for union. Between these dates seven other like plans appeared, and leaders from distant colonies came together to consider some of them. True, the great majority of colonists everywhere ignored or rejected all such proposals; but the discussion was to bear fruit when a stronger motive for union should arise. And without union, resistance to England would have been impossible.

2. The conquest of Canada removed the most pressing need of English protection. Far-sighted men had long seen that the colonies might be less true to the mother country if the dreaded French power should cease to threaten them from the north. In 1748 Peter Kalm, a shrewd Swedish traveler, wrote: "It is of great advantage to the crown of England that the colonies

are near a country under the government of the French. . . . *There is reason to believe the king was never earnest in his attempts to expel the French.* . . . I have been publicly told, not only by native Americans, but by English emigrants, that within thirty or fifty years the English colonies may constitute a separate state, wholly independent of England. . . . These dangerous neighbors are the reason why the love of the colonies for their metropolis does not utterly decline."

Probably, in the italicized sentence, Kalm had in mind the fact that, in King George's War (then just closed), the English ministry had refused to coöperate with the colonies for the conquest of Canada. In the "French and Indian" War Pitt threw aside this ignoble caution, and brought about the conquest. Even then, some Englishmen urged that England ought to restore Canada to France, in order to hold her old empire more securely; and the French statesman, Vergennes, prophesied: "England will soon repent of having removed the only check that could keep her colonies in awe. *They no longer need her protection. She will call upon them to contribute toward the support of burdens they have helped bring upon her; and they will answer by striking off all dependence.*"

3. The colonies had been held to England by ties internal and external, — by affection and by foreign peril. The internal tie, however, had already been sapped, "Writs of assistance" insensibly, by the large non-English immigration and by the long friction over Navigation Acts, paper money, royal vetoes, and governors' salaries (page 144). Now the external bond, too, was loosened, and a shock might jar the two halves of the empire apart. The Intercolonial wars led England to give this shock — first by her "writs of assistance" to enforce old laws, and then by new taxation, in the Sugar Act of 1764 and in the Stamp Act.

The "writs of assistance" were used to enforce the old Navigation Acts with a new energy. This policy began with Pitt, during the French and Indian War. The original



purpose was, not to raise revenue, but to stop what Pitt indignantly and truly called "an illegal and most pernicious Trade . . . by which the Enemy . . . is supplied with Provisions and other Necessaries, *whereby they are principally, if not alone, enabled to sustain and protract this long and expensive War.*" The French armies in Canada and the French fleets in the West Indies were fed by provisions shipped to them from New England, at the very time that England was fighting desperately to protect New England against those armies and fleets. Many colonists confused this shameful trade with the ordinary smuggling which had long made parts of the navigation laws a dead letter. On the other side, the customs officials fell back upon remedies as bad as the evil. In 1755 they began to use *general search warrants*, known as "writs of assistance." This form of warrant had grown up in England in the evil times of the Stuart kings. It ran counter to the ancient English principle that a man's house was "his castle," into which not even the officer of the law might enter without the owner's permission, except upon definite cause shown. Unlike ordinary search warrants, these new documents did not name a particular place to be searched or a particular thing to be searched for, nor did they make public the name of the informer upon whose testimony they were issued. They authorized any officer to enter any house upon any suspicion, and "were directed against a whole people." They might easily become instruments of tyranny, and even of personal revenge by petty officials.

When George III came to the throne, in 1760, all writs of the past reign expired. Accordingly, in 1761, a revenue officer at Boston asked a Massachusetts court to issue new "writs of assistance." It then became the place of James Otis, the brilliant young Advocate General, to argue for them. Instead, he resigned his office, and took the case against them. "Otis was a flame of fire. Then and there the child Independence was born."<sup>1</sup> He called the

<sup>1</sup> So wrote John Adams some years afterward. The other quotations in the paragraph are from notes taken at the time by Adams, then a law student. How

general warrants "the worst instrument of arbitrary power, the most destructive of English liberty and of the fundamental principles of law, that ever was found in an English law book." He contended, he said, against "a kind of power, the exercise of which had cost one king of England his crown, and another his head. . . . No Act of Parliament can establish such a writ. . . . *An act against the constitution is void.*"

This final argument is natural to Americans to-day, familiar as we are with the idea of a written constitution as a *fundamental* law, to which all other law must conform. In England to-day such an argument would be almost impossible, since there parliament has come to be so supreme that it can change the law and the "constitution" at will. In older English history, however, the Common Law and the great charters (especially in so far as they protected the rights of the individual) had been regarded somewhat as we regard our constitutions; and in the time of Otis that view had not been wholly lost. It is in this old English sense that he uses the word "constitution." It is interesting to note that a few years later, the Court of the King's Bench adopted this view and declared general warrants in England unconstitutional.

Otis lost the case, but his fiery eloquence roused the people to open the whole question of parliamentary control. Soon afterward, he published his views in two pamphlets which were widely read. "God made all men *naturally equal*," he affirmed. Government is "instituted for the benefit of the governed," and harmful government should be destroyed. Parliament he recognized as supreme (so long as it governed fitly), but he urged that the colonists, besides keeping their local legislatures, "*should also be represented, in some proportion to their number and estates, in the grand legislature of the nation.*"

profoundly the argument of Otis impressed America is seen from the fact that when Virginia in 1776 adopted the first written state constitution, the declaration of rights prohibited "general warrants" (page 214). This provision has appeared in nearly all our subsequent State constitutions, and it is found in the Federal Constitution (Amendment IV).

In 1763, peace removed the especial need for writs of assistance; and for a time the Americans forgot all past irritation in their enthusiastic gratitude to Eng-  
 Grenville's plan to tax America land for the conquest of Canada. But in a few months a new head of the English ministry reopened all the old wounds. This was George Grenville, an earnest, narrow man, without tact or statesmanship, bent upon raising revenue in America.

A strong case could be made out for that plan. The Intercolonial wars had made England the greatest world power; but they left her, too, staggering under a debt such as no country to that time had dreamed of. The colonists were prosperous and lightly burdened. Eight millions of Englishmen owed a war debt of *ninety* dollars a head — incurred largely in defending two million colonials, whose debt counted less than *two* dollars a head. Nor could the colonists excuse themselves on the ground that they had done enough in the wars. The struggles in America had been little more than scattered skirmishes, compared with the Titanic conflicts in the Old World. Pitt had declared that he would “conquer [French] America in Germany,” and, with the aid of Frederick the Great, he did it. Even in America, England had furnished fully half the troops and nearly all the money — *repaying each colony for all expense in maintaining its own troops when outside its own borders.*

In the Crown Point expedition of 1755 (*before war was declared*), the 3000 Colonials made the whole force; and during the next year 4000 of the 5000 troops in the field were Colonials. But after England formally declared war, English troops plainly preponderated. Amherst at Louisburg had only 100 Colonials among his 11,000 troops. At Quebec, Wolfe had 8500 regulars and only 700 Americans — whom he described as “the dirtiest, most contemptible, cowardly dogs . . . such rascals as are an encumbrance to an army.”

Still Grenville did not expect the colonies to pay any part of the debt already incurred by England. He meant only to have them bear *a part* of the cost of *their own de-*



*fense for the future.* English statesmen agreed that, to guard against French reconquest and Indian outbreaks, it was necessary to keep ten thousand troops in America. It was easy to find evidence that seemed to show the need of such a garrison. Pontiac's War, the most terrible Indian outbreak the colonists ever knew, came just at the close of the French War, in 1763, and raged for more than a year, sweeping bare, with torch and tomahawk, a long stretch of western country. A few British regiments, left in the country from the preceding war, were the only reason the disaster was not unspeakably worse. *For six months they were the only troops in the field.* The Pennsylvania legislature, despite frantic appeals from the governor, delayed to provide defense for its own frontier, — partly from Quaker principles, but more from a shameful dislike felt by the older districts for the Scotch-Irish western counties. The savages, having worked their will in that province, carried their raids across its southern border, getting into the rear of a small force with which George Washington was striving gallantly to guard the western frontier of Virginia. Washington's force, too, was for months altogether insufficient for its task. His letters to the governor of Virginia complained bitterly of his need for reinforcements; but the governor's earnest entreaties to the legislature for supplies bore fruit very slowly. Washington declared that he would have been wholly helpless for a long, critical time, *had he not had under his command a small troop of English soldiers.*

But the colonists, quite in accord with old English prejudice against a standing army in time of peace, had many times made it plain that their Assemblies would give no money to support one. Indeed they feared that such a garrison might sometime be used by a despotic government in England to take away their liberties. Accordingly Grenville decided to get the money for the support of a garrison by taxing the colonists through parliament. (1) He would make the Navigation Acts a *source of revenue*, instead of merely a means

For American defense only

Enforcement of Navigation Acts

of benefiting English merchants; and (2) he would raise money in America by internal taxes, — a thing never before attempted. In 1764 he ordered that the Navigation Acts be enforced rigidly; and zealous revenue officers in America spread dismay and irritation by suddenly seizing many ships with cargoes of smuggled goods. Then, upon communities already angry and suspicious, fell news of a new tax law.

This was the “*Sugar Act*” of 1764. The old Sugar Act of 1733 had tried to *check* the importation of sugar from the French West Indies — in the interest of the British West Indies (page 139). This law had never been enforced. The new “Sugar Act” (1) provided machinery more efficient than ever before to enforce the whole system of navigation laws; (2) revised those laws so as to raise more revenue; and (3) forbade absolutely all trade with the French West Indies — which were a chief market for the products of New England and of the Middle colonies (page 162).

The *commercial colonies* were angered and alarmed. They had never so feared French conquest as they now feared the loss of French trade. With every mail from America, a storm of protests assailed the ministry. But the Sugar Act did not directly affect the *southern colonies*; and therefore resistance to it could not arouse a united America. Moreover, though this law did aim to raise revenue, still *in form* it was like preceding navigation laws, to which the colonists were accustomed. The leaders of public opinion needed a better rallying cry than it gave, to array the colonies against English rule.

The *Stamp Act* gave this better opportunity. Early in 1764, Grenville made the plan of this law public. Parliament promptly adopted resolutions approving the plan, but gave the colonies a year more to provide some other means for supporting a garrison, if they preferred. The colonies suggested no other plan, but they made loud protests against this one. In the fall of 1764 the Sugar Act fell into the background; and from colonial town meetings and Assemblies petitions began to assail the

The Sugar  
Act of 1764

The Stamp  
Act, 1765

ministry against the unconstitutional nature of the proposed Stamp Act. These communications Grenville never presented to parliament. In March, 1765, parliament enacted the law almost without discussion, and with no suspicion of the storm about to break.

The Stamp Act was modeled upon a law in force in Great Britain. It required the use of stamps or stamped paper for newspapers, pamphlets, cards and dice, and for all legal documents (wills, deeds, writs). In a few instances, where the document recorded some important grant, the cost of the stamp rose to several pounds; but, as a rule, it ranged from a penny to a shilling. Not a penny was to go to England. *The whole revenue was appropriated to the future support of an American garrison.*

Now came a significant change in the agitation in America. Astute leaders seized the chance to rally public dissatisfaction against England by appeals to the old English cry, — "No taxation without representation." In opposing the Sugar Act, the colonists opposed an immediate injury to their pocket books; but, from 1765, they contended, not against actual oppression, but against *a principle which might lead to oppression*. "They made their stand," says Moses Coit Tyler, "not against tyranny inflicted, but against tyranny anticipated." The Americans surpassed even the English of that day in what Burke called their "fierce spirit of liberty." The freest people of their age, they were fit for more freedom, and they "waged a revolution for an idea."

## II. UNDERLYING CAUSES IN AMERICAN LIFE

The English colonial system had guided and guarded the colonies while they needed help and protection. It was not tyrannical; but it was sometimes selfish and often short sighted, and it always carried the possibility of further interference.<sup>1</sup> True, until

American  
jealousy  
of English  
interference

<sup>1</sup> Many shrewd observers (John Adams among others) believed that the Revolution was caused largely by dread of *ecclesiastical* interference. Several times it



1764, actual interference had never been seriously hurtful. Often it had been helpful. But *any* interference was vexatious to a proud people, who now felt safe enough and strong enough to manage their own affairs. *The Americans had outgrown any colonial system possible in that day.* They were grown up. The time had come for independence. “The crime of the British statesmen was that they didn’t know a nation when they saw one.” In one of his historical addresses Mellin Chamberlain puts the cause of the Revolution in a nutshell. Levi Preston was one of the minutemen of Danvers who ran sixteen miles to get into the Lexington fight. Nearly seventy years afterward, Mr. Chamberlain interviewed the old veteran as to his reasons that April morning. “Oppressions?” said the aroused veteran; “what were they? I didn’t feel any.” “Stamp Act?” “I never saw one of the stamps.” “Tea tax?” “I never drank a drop of the stuff: the boys threw it all overboard.” “Well, I suppose you had been reading Sidney or Locke about the eternal principles of liberty.” “Never heard of them. We read only the Bible, the Catechism, Watts’ Hymns, and the Almanac.” “Then what did you mean by going into that fight?” “Young man, what we meant in going for those redcoats was this: *we always had governed ourselves, and we always meant to. They didn’t mean we should.*”

And in growing up, *America had grown away from England.* If all of England had been picked up in the seventeenth century and set down, strung out along the thousand miles of American coast from Maine to Georgia, its development during the next two centuries would have been very different from what it actually was in the little European island. The new physical conditions would have caused a difference.

had been suggested that England should establish bishops in America. Even the most strongly Episcopalian colonies, like Virginia and Maryland, resisted this proposal (needful as bishops were to the true efficiency of their form of church organization) because of the *political* power of such officers of the church at that time. After the Revolution a bishop, consecrated in England, was received without a murmur.

The colonial  
system  
outgrown

Divergence  
between the  
English and  
the Colonial  
Americans



A COLONIAL CARTOON called forth by a proposal from Lord Hilsbrough, Colonial Secretary, for sending a bishop to America.

But not *all* England had been transplanted, only certain selected people and selected institutions, — upon the whole, too, *the more democratic elements*. No hereditary nobility was established in America, and neither monarch nor bishop in person appeared in American society. No wonder, then, that by 1775 European English and American English could no longer understand each other's ideas.

Both sections of Englishmen clung to the doctrine "No taxation without representation," but these words meant one thing in England and a very different thing in America. *In England*, since 1688, *representative institutions had been shrinking*, — becoming more and more *virtual*. *In America representative institutions had been expanding*, — becoming more and more *real*. The English system had become, in Macaulay's words, "a monstrous system of represented ruins and unrepresented cities." Many populous cities had grown up without gaining representation, while many decayed cities, perhaps without a single inhabitant, or with only a handful of voters (pocket or rotten boroughs), kept their ancient "representation." In reality, a small body of landlords *appointed* a majority of the House of Commons, and many "representatives" were utterly unknown in the places they "represented." To an Englishman, accustomed to this system, and content with it, "No taxation without representation" meant no taxation by royal edict: no taxation except by the House of Commons, a "representative" body. Such an Englishman might argue (as Lord Mansfield did) that parliament represented Massachusetts as much as it did the English Manchester, which equally with Massachusetts was without votes for parliament. There were more men in England who were taxed and who could not vote than there were inhabitants in all America. Parliament *virtually* represented the colonies, and therefore had the right to tax them.

The argument was weak, even if representation was to remain "virtual." Manchester, though without votes, was sure to influence parliament, and to be understood by parliament, far better than distant Massachusetts. But the American was not con-

"Virtual"  
representa-  
tion and  
"real"



tent with *virtual* representation: he was accustomed in his own colony to *real* representation. True, there were imperfections in the American system. Some colonies, notably Pennsylvania and the Carolinas, had been slow to grant a proper share in their legislatures to their own western counties. But, upon the whole, the electoral districts were about equal in population; the franchise was extended far enough to reach most men with a little property; and each little district chose for its representative, at frequent intervals, a man living in its midst and well known to the voters. To the American, "No taxation without representation" meant no taxation except by a representative body in his own colony, chosen under such conditions as these. In all this dispute the Englishman stood upon the old meaning of the phrase. The American stood for a new meaning, truer and higher, more in accord with future progress.

*The problem*, however, was not merely about taxation: *it was a question, also, of maintaining the unity of the British Empire*, — the greatest free state the world had ever seen. To preserve that state appealed to a noble patriotism on both sides the Atlantic.

The problem  
of imperial  
union

Most people, too, thought union with England essential to the very existence of the colonies. Plainly the *separate* colonies were too weak to stand alone; and their union, except through England, seemed the wildest of dreams. During the past seventy years, colony after colony, for time after time, had been guilty of sacrificing the safety of a neighbor to sordid parsimony or to mean jealousy. Even James Otis wrote in 1765, — "God forbid these colonies should ever prove undutiful to their mother country. . . . *Were the colonies left to themselves to-morrow, America would be a mere shambles of blood and confusion.*"

Englishmen argued that the essential unity of the empire could be preserved only by recognizing a supreme power in parliament to bind all parts of the empire in all matters whatsoever, including taxation. Americans confessed, gratefully, that union with England was "the source of our

greatest happiness"; but they denied the authority of parliament to tax them, and so were soon driven to deny *any* authority in parliament. The situation was new. Within two or three generations, England had been transformed from a little island state, with a few outlying plantations, into the center of a world empire. Within the same period, the relative power of king and parliament had shifted greatly in England itself. This change made necessary a new relation between parliament and the colonies; but just what that relation ought to be was not clear.

Many colonists, who clung to the union while denying authority in parliament, were driven to a dubious doctrine.

Theory of a "personal union"      The colonies, they said, *were subject, not to parliament, but to the crown.* The union between Massachusetts and England, according to this view of Jefferson and Franklin, was only "in the person of the sovereign," like the union between England and Scotland under James I. George III was king in England and king in Massachusetts; but parliament was the legislature of the British Isles only, as the General Court was the legislature of Massachusetts.

In the argument over taxation, the Americans had the best of it, because they placed themselves upon modern conditions, ignoring dead theories. But in this second argument, it was the Americans who clung to a dead theory. In earlier times there had been some basis for the doctrine of the crown's sovereignty in America. The colonies were founded upon "crown lands"; and the kings had tried to keep them crown estates. In those days, the colonists had been glad to seek refuge in management by parliament. During the Commonwealth, parliament exercised extensive control, and ever since, from time to time it had legislated for the colonies, — not merely in commercial regulations, but in various beneficent matters, as in the establishment of the colonial post office. Meantime, the English Revolution of 1688 had made parliament supreme over the king. George III was "king in Massachusetts" *only because he was king of England*; and he was king of England *only be-*

*cause of an Act of Parliament.* Indeed, had the king's power been real any longer, the colonists would never have appealed to a theory of "personal union." The plea was a device to escape real control of any kind.

To reconcile freedom and empire for the far-flung English-speaking world was hard indeed. How hard is shown nowhere better than by the absurd contention to which the great Pitt was driven — that parliament might *govern* the colonies in all other respects but might not *tax* them, *because "taxation is no part of the governing or legislative power."* Almost equally absurd in that day, for all practical purposes, was James Otis' suggestion, approved by Franklin and by Adam Smith, that the colonies be given representation in a reformed, imperial parliament. Steam and electricity had not yet come, to annihilate the three <sup>Burke's</sup> months between Boston and London. The only <sup>plan</sup> promising solution of the problem, in accord with conditions of the time, was the one stated in the noble passage toward the close of Burke's oration on American taxation: —

"I look upon the imperial rights of Great Britain and the privileges which the colonists ought to enjoy under those rights to be just the most reconcilable things in the world. The parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island. . . . The other, and I think her nobler, capacity is what I call her imperial character, in which, as from the throne of heaven, she superintends all the inferior legislatures, and guides and controls them all, without annihilating any. . . . It is necessary to coerce the negligent, to restrain the violent, and to aid the weak . . . by the over-ruling plenitude of her power."

Parliament, the orator continues, is not to intrude into the place of an inferior colonial legislature *while that body answers to its proper functions*; "but, to enable parliament to accomplish these ends of beneficent superintendence, *her power must be boundless*," — including even the power to tax, Burke adds explicitly, though he regards that as a *reserve power*, to be used only in the last extremity, as "*an*



*instrument of empire, not a means of supply."* That is, Burke would have had parliament recognized as possessing absolute power, in order that *at need* it might preserve the empire; but he would have had it waive its authority *in ordinary times* in favor of the rights of the colonists to self-government through their local legislatures. Probably this plan would have been as nearly satisfactory as any solution of the problem then possible, if any union was to be maintained. Adopted half a century later, it was to answer the needs of a greater English empire for eighty years longer. *But to work Burke's plan called for tact and generosity*, especially while the two parts of the English world were getting used to the new conditions. Neither tact nor generosity marked Charles Townshend or Lord North; and the clumsy machinery of government broke down.

Even so, parliament let the ministry drive the colonists to rebellion only because parliament itself represented England only virtually. The contention between King George's government and the colonies had become intermingled with a struggle for the reform of parliament at home. For some time the Whig leaders in England had demanded vehemently that the franchise be broadened and that parliament be made *really* representative of the nation. If the demand of the Americans regarding taxation and representation were granted, then it would not be possible for the government much longer to refuse this demand for representation by English cities like Manchester. But this was just what conscientiously wrong-headed George III dreaded. He thought it his duty to recover the kingly power that had vanished since the English Revolution. To do this, he must be able to control parliament. The easiest way to control parliament was to pack that body with his own appointees from rotten and pocket boroughs. In a reformed parliament, this would no longer be possible. The King, therefore, was ready to force on a war against the American claim in order to shove aside the reform movement in England.

Relation of  
the Revolution to  
English  
freedom

*The American Revolution*, then, is seen imperfectly, if it is looked upon solely as a struggle between England and America. *It was a strife of principles.* It was a part of a thousand-year-long contest between the English-speaking people and their kings for more political liberty. In 1776 the most advanced part of that people, politically, lived on this side of the Atlantic. The popular claims were made here, and the struggle was fought out here; but in many ways the Revolution was a true civil war. Many Americans were not in favor of fighting, and many Englishmen were glad that America did fight.

This feeling found expression even within parliament. The resolution of Patrick Henry declaring that the attempt to tax America, if successful, would result in the ruin of British liberty also, was echoed by the great speech of William Pitt, when he "rejoiced" that America had resisted, and declared that victory over the colonies would be of ill omen for English liberty: "America, if she fell, would fall like the strong man: she would embrace the pillars of the state, and pull down the constitution along with her." When troops were sent to Boston in 1774, the Earl of Rockingham and other Whig lords presented a protest to be inscribed on the journals of parliament, and the Duke of Richmond broke out: "I hope from the bottom of my heart that the Americans may resist and get the better of the forces sent against them." Charles Fox spoke in parliament of Washington's first defeat as "the terrible news from Long Island," and, in common with many Whigs, repeatedly called the American cause "the cause of liberty." As late as 1782, only four months before peace was made, the younger William Pitt asserted in parliament that if the House of Commons had not imperfectly represented the nation, it would never have been possible to carry on that "most accursed, wicked, barbarous, cruel, unjust, and diabolical war." Certainly the American, accustomed in our day to see popular intolerance of opinion suppress dissent even in legislative halls, should honor the English respect for

free speech, which compelled even the Tory government of George III to listen to such noble "treason."

*The American movement for independence was intertwined, too, with a social upheaval at home. This social unrest had four phases.*

1. In nearly all the colonies, a group of families — pets of the crown or of the proprietor — *monopolized office and special privilege*. Other great families (like the Livingstones and Schuylers in New York) felt aggrieved, and therefore were perhaps more inclined to the movement for independence.

The social  
revolution  
in American  
life

2. *The western sections of many colonies felt themselves oppressed by the older sections.* The inhabitants of the new western counties sometimes differed from their eastern brethren in religion or even in race; and they were not given their fair representation in the colonial legislature which taxed and governed them, — but which sometimes failed to protect them against Indians. In 1780 Thomas Jefferson declared that "19,000 men below the Falls [in Virginia] give law to 30,000 in other [western] parts" of the colony. Sheriffs and other officials of the western counties, too, were often non-residents, appointed from the eastern counties. Law courts were controlled by the older sections; and in the western districts they met at long intervals and at long distances from much of the population. And fees exacted for court services and by all these appointed officers seemed exorbitant, and were sometimes made so by disreputable trickery. In 1763 a certain Edmund Fanning was appointed Register for the county of Orange in western North Carolina. It was commonly reported that he was impecunious when he received the appointment, and that he accumulated £10,000 in two years by extortion. The "Regulators" in 1770 dragged him from a courthouse by the heels and flogged him; and the following verses were current as early as 1765: —

The "East"  
and  
"West"  
in America



“When Fanning first to Orange came,  
 He looked both pale and wan;  
 An old patched coat upon his back,  
 An old mare he rode on.  
 Both man and mare warn’t worth five pounds,  
 As I’ve been often told;  
*But by his civil robberies*  
*He’s laced his coat with gold.”*

After several years of serious friction, the oppressed pioneers in North Carolina in 1769 set up a revolutionary organization known as committees of “Regu-  
 lators,” to prevent the collection of taxes. But The War of the Regulators the eastern counties, which controlled the legisla-  
 ture, raised an army, and, in 1772, ended the “War of the Regulation” after a bloody campaign. The Regulation was not directed in any way against England, and must not be regarded as an opening campaign of the Revolution. Indeed, the militia that restored oppression was the militia which three years later rose against England; and the defeated “Regulators,” refusing to join their past oppressors, in large part became Tories. But if the internal conflict could have been delayed three or four years, the Westerners would no doubt have dominated the Revolution itself in their State.

That was what happened in Pennsylvania. Pennsylvania also was on the verge of civil war; but, happily, internal conflict was postponed long enough so that in the disorders of the general movement against England, the western radicals, with their sympathizers elsewhere in the colony, found opportunity to seize the upper hand. In Pennsylvania, the Revolution was a true internal revolution. Old leaders were set aside; the franchise was extended to the democratic element; and a new reapportionment brought the democratic West into power. In most of the colonies north of the Carolinas, a like influence was felt in some degree, — notably in Virginia.

3. *Even in the older sections new men and a more democratic portion of society came to the front. Especially in the years*

1774-1775, the weight in favor of resistance to English control was often cast by a "union of mechanics," as in Charleston and Philadelphia, against the wishes of the more conservative merchants and professional men. And aristocratic patriots, like John Adams, if they were not to fail, had to accept the aid not only of the artisans but even of classes still lower, — men who had not possessed a vote but who now, in times of disorder, often seized it. In many half-formal elections to early Revolutionary "conventions," the disfranchised classes voted, — sometimes on the explicit invitation of the Revolutionary committees, sometimes because it was not easy to stop them. Afterward, the new State governments found it hard not to recognize in some degree the power that had helped make them — especially as they continued to need that help. *It was due largely to the nameless workingmen, and to the democratic frontier communities, that the internal "revolution" widened the franchise somewhat and did away with the grossest forms of White servitude.*

4. *Colonial Americans had been lazy.* Critics so unlike as Hamilton and Jefferson agree in ascribing this quality to their countrymen; and all foreign observers dwelt upon it as an American trait. But within forty years after the Revolution this characteristic had been replaced by that restless, pushing, nervous, strenuous activity which has ever since, in the eyes of all peoples, been the distinguishing mark of American life. One great factor in that tremendous and sudden change in a people's character was the Revolution, because *it opened opportunities more equally to all, and so called forth new social energies.*

This transformation in American character was noticed as early as 1789. Said David Ramsey (*History of the Revolution*, II, 315), "The necessities of the country gave a spring to the active powers of the inhabitants, and a vast expansion of the human mind speedily followed." This was America's answer to those doubters who thought the colonies must perish if left to themselves (p. 179). Not merely do

Rise of  
democratic  
masses to  
new power

Demand  
for equal  
opportunity

new occasions teach new duties: new duties arouse new energies. At the stirring call of independence, the weak and divided colonies grew strong and united enough to protect themselves not merely without England but even against her. The men who foresaw this were radicals. They drew their conviction, not from the manifold discouragements of disreputable facts in colonial history, but from a broad survey of life and a profound faith in man and in their countrymen — from the evidence of things not seen.

Englishmen of that day sometimes believed sincerely that the Revolution was the work of a group of "soreheads." George Washington as a youth had been refused a coveted commission in the British Army. Sam Adams' father had been ruined by the wise British veto of a proposed Massachusetts "Land Bank." The older Otis had failed to secure an appointment on the Massachusetts Bench. Alexander Hamilton was a penniless and briefless law student, with no chance for special advancement unless by fishing in troubled waters.

All this, of course, as an explanation of the part played by Washington, Adams, Otis, and Hamilton, was as absurd as was the view of many Americans that high-minded men like Chief Justice Oliver and Governor Hutchinson of Massachusetts were Loyalists simply in order to cling to office and salary. But had the British charge been true, what greater condemnation could be invented for the old colonial system than that, under it, George Washington could not get a petty lieutenant's appointment, and that a genius like Hamilton had practically no chance for advancement unless taken up by some great gentlemen!



## CHAPTER X

### TEN YEARS OF AGITATION, 1765-1774

THE Stamp Act was to go into effect in November. The news reached the colonies in April and May. The colonists had done all they could to prevent the law from enactment; but now that it *was* law, nearly all the old leaders at first expected it to be obeyed. Even Otis declared it to be the "duty of all humbly . . . to acquiesce in the decision of the supreme legislature." And Franklin wrote home, — thinking chiefly, it would seem, of the money burden, — "We might as well have hindered the sun's setting. . . . Since it is down . . . let us make as good a night of it as we can. Frugality and industry will go a great way toward indemnifying us." Franklin even solicited the English government to appoint his friends as stamp distributors.

But while the old leaders sought to reconcile themselves to the law, popular discontent was smoldering; and soon a new leader fanned it into flame. May 29, in the Virginia House of Burgesses (sitting in committee of the whole), *Patrick Henry* moved a set of seven resolutions denouncing the Stamp Act and *urging resistance to it*.

Henry had appeared in the Assembly for the first time only nine days before; and in the "most bloody debate" that followed he was ridiculed by "all the cyphers of the aristocracy." (Thomas Jefferson, a young law student, stood in the door, and has left us his later recollections of the struggle.) Through the cordial support of the western counties, the resolutions were approved. The next day the House, in regular session, adopted five of them, though only by a majority of one vote. One day later (the last

Patrick  
Henry's  
Resolutions  
suggest re-  
sistance

day of the session), Henry having started home, the fifth resolution — the most important of the five — was expunged from the record. But meantime *the whole seven* had been published to the world; *and these resolutions “rang the alarm bell for the continent.”*

The sixth and seventh resolutions (never really adopted) asserted that the colonists were “*not bound to yield obedience*” to any law that so imposed taxation upon them from without, and denounced any one who should defend such taxation as an “*enemy of his majesty’s colony.*” These were the clauses that *sanctioned forcible resistance.*

The fifth resolution declared that every attempt to vest power to tax the colonists in “any persons whatsoever” except the colonial Assemblies “*has a manifest tendency to destroy British as well as American freedom.*” It was in the debate upon this resolution that Henry startled the House by his famous warning from history. “Tarquin and Caesar,” cried his thrilling voice, “had each his Brutus; Charles the First, his Cromwell; and George the Third” — here he was interrupted by cries of Treason! Treason! from the Speaker and royalist members; but “rising to a loftier attitude,” with flashing eye, the orator continued, — “may profit by their example. If this be treason, make the most of it.”

On the day that Henry moved his resolutions, the Massachusetts Assembly invited the legislatures of the other colonies to send “committees” to a general meeting at New York in October. At first the suggestion was ignored; but in August and September (as public feeling mounted under the stimulus of the Virginia resolutions), colony after colony named delegates, and *the Stamp Act Congress* duly assembled. Fer-  
The Stamp  
Act  
Congress  
of 1765
vently protesting loyalty to the crown, that meeting drew up a noble Declaration of Rights and a group of admirable addresses to king and parliament. It did not directly suggest forcible opposition; but it helped, mightily, to crystal-ize public opinion, and to give dignity to the agitation against the law. Better still, it prophesied *united* action. Christopher Gadsden, delegate from South Carolina, exclaimed — “There ought to be no New England man, no

New Yorker, known on this continent; but all of us, Americans."

Meanwhile, payment of debts to British creditors was generally suspended,<sup>1</sup> and local "associations" pledged themselves *to import no British goods* until the Act should be repealed. Sometimes these early Non-Importation Agreements directly threatened violence. At a Westmoreland County meeting at Leedstown (Virginia) on February 27, 1766, the following resolutions were unanimously adopted:

Violent  
resistance  
to the law,  
and the  
boycott

. . . We, who subscribe this paper, have associated, and do bind ourselves to each other, to God, and to our country, by the firmest ties that religion and virtue can frame, most sacredly and punctually to stand by, and with our lives and fortunes, to support, maintain, and defend each other in the observance and execution of these following articles. . . .

*Thirdly.* As the Stamp Act does absolutely direct the property of the people to be taken from them without their consent expressed by their representatives, and as in many cases it deprives the *British American* subject of his right to trial by jury; we do determine, at every hazard, and, paying no regard to danger or to death, we will exert every faculty, *to prevent the execution of the said Stamp Act in any instance whatsoever within this Colony.* And every abandoned wretch, who shall be so lost to virtue and public good, as wickedly to contribute to the introduction or fixture of the Stamp Act in this Colony, by using stamp paper, or by any other means, *we will, with the utmost expedition, convince all such profligates that immediate danger shall attend their prostitute purpose.*

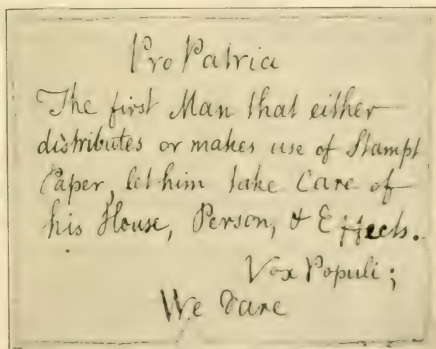
*Sixthly.* If any attempt shall be made on the liberty or property of any associator for any action or thing to be done in consequence of this engagement, we do most solemnly bind ourselves

<sup>1</sup> This method of coercing English public opinion was renewed in the later period of this struggle. In 1774 George Washington wrote to a friend in England: "As to withholding our remittances [payments of debts], that is a point on which I own I have my doubts on several accounts, but principally on that of justice."



by the sacred engagements above entered into, at the utmost risk of our lives and fortunes, to restore such associate to his liberty, and to protect him in the enjoyment of his property.

This bold and "seditious" language was drawn up by Richard Henry Lee, and among the 115 signers were six Lees and a Washington. But more commonly "Sons of the violent resistance was taken care of by *secret Liberty*" societies known as *Sons of Liberty*, which terrorized the stamp distributors and compelled hesitating merchants to obey the non-importation agreements. In various places, supporters of the law were brutally handled. A Boston mob sacked the house of Thomas Hutchinson; and Andrew Oliver, stamp distributor for Massachusetts, standing under the "Liberty Tree" (on which he had been hanged in effigy shortly before), was forced, in the presence of two thousand people, to swear to a solemn "recantation and detestation" of his office



A HANDBILL CIRCULATED BY THE NEW YORK SONS OF LIBERTY.

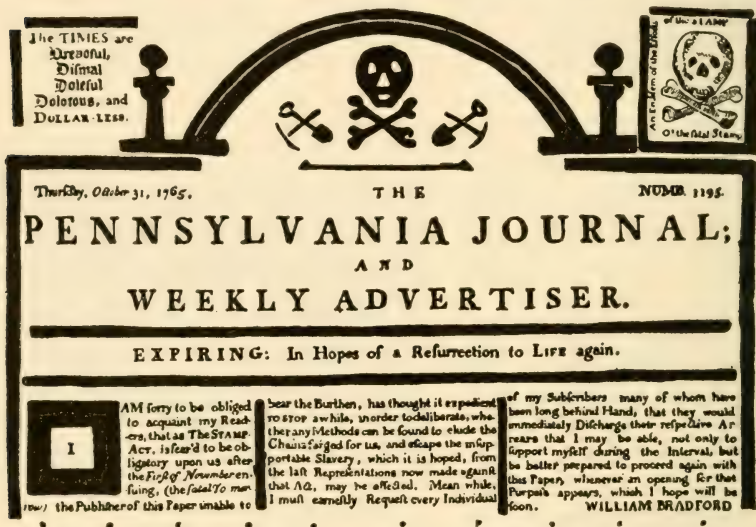
before a justice of the peace. When the day came for the law to go into effect every stamp distributor on the continent had been "persuaded" into resigning, and no stamps were to be had. After a short period of hesitation, the courts opened as usual in most of the colonies, newspapers resumed publication, and all forms of business ignored the law.

In England the ministry had changed, and the new government was amazed at the uproar in the colonies. It was deluged, too, with petitions for repeal from *English merchants*, who already felt the loss of American trade; and, after one of the greatest of parliamentary debates, *the Stamp Act was repealed* (March 17, 1766). No serious attempt had been made to enforce

Repeal of  
the Stamp  
Act

it, and no demand was made for the punishment of the rioters. The English government did ask the colonial assemblies to compensate citizens who had suffered in the riots; but even this request was attended to very imperfectly.

Within a few months the English ministry was changed once more. Pitt (now in the Lords) was the head of the new government: and, excepting for Charles Townshend,



A REDUCED FACSIMILE, from Scharf and Wescott's *History of Philadelphia*. The skull and crossbones take the place of the stamp required by law. This paper resumed publication in one week *without stamps*.

all its members were "friends of America." But ill-health soon forced Pitt to give up the active management of affairs, and the brilliant but unscrupulous Townshend, backed by the King, seized the leadership and turned promptly to schemes of American taxation.

In May, 1767, Townshend secured the enactment of tariffs on glass, red and white lead, paper, painters' colors, and tea imported into the colonies. In the Stamp Act discussions, some Americans had objected to the stamp duties as an internal tax. Now Townshend cynically professed his readiness to give

The Townshend Acts,  
1767

them the external taxation they preferred. This tone was bad enough to a sensitive people flushed with recent victory; and two other features made the bill unendurable: (1) Trials for attempts to evade the law were to take place before admiralty courts *without juries*; and (2) the revenue was appropriated to the payment of colonial governors and judges, so as to give the crown complete control over such officers. *Thus this law began a wholly new phase of the struggle with England. In the Stamp Act period the honest purpose of the English Government had been to protect the colonies, not to oppress them. But the Townshend law was a wanton attempt to demonstrate supremacy, with no pretense of protecting America.* "From this time," says Lecky, "the conduct of the government toward America is little more than a series of deplorable blunders."

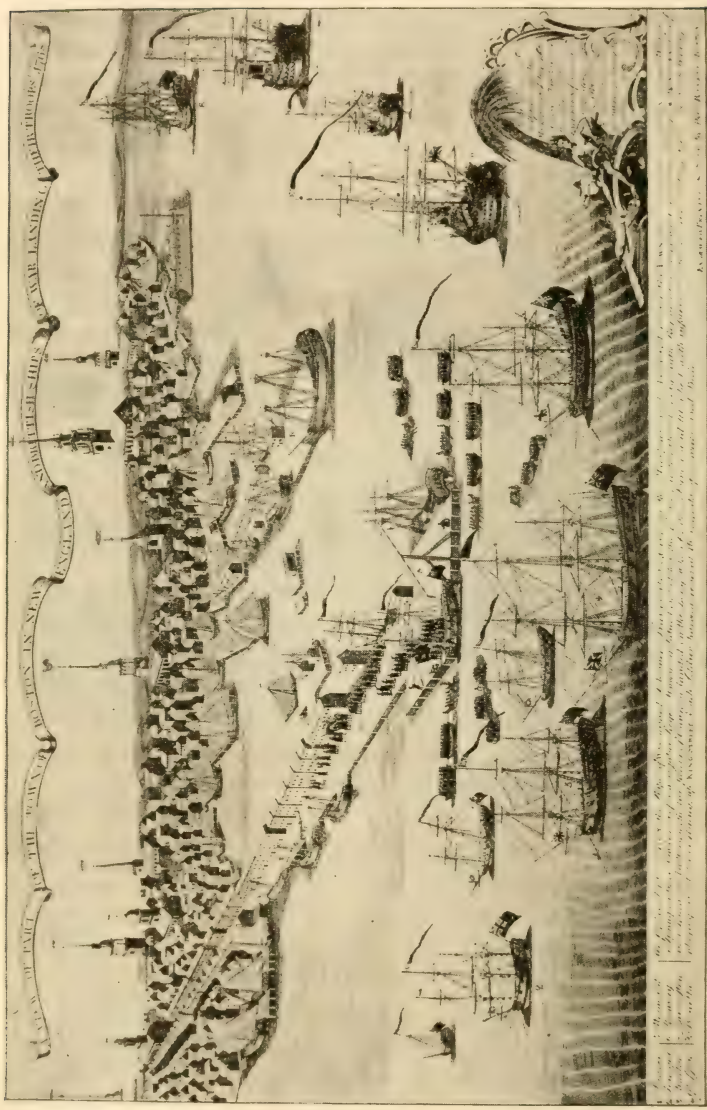
Townshend died that same summer; but, for three years, his successor, Lord North, maintained his policy. Meantime the American continent seethed once more with pamphlets, addresses, and non-importation agreements. Assemblies denounced the law; royal governors, under strict instructions, *ordered* them to rescind, received defiant answers, and replied with messages of dissolution. Then, in the absence of means for legal action, the colonists turned again to illegal violence. Mobs openly landed goods that had paid no tax, and sometimes tarred and feathered the customs officials.

To check such resistance to law, parliament, in 1769, added to its offenses by providing that a colonist, accused of treason, might be carried to England for trial, — in flat defiance of the ancient English principle of trial by a jury of *the neighborhood*. This threat roused Virginia again. Virginia was still the most important colony. It had been less affected by the Townshend regulations than the commercial colonies had been; and the ministry had been particularly gentle toward it, hoping to draw it away from the rest of America. But now the Assembly unanimously adopted resolutions denouncing both the Townshend law and this recent attack

And Lord  
North

The Virginia  
Assembly's  
Resolutions  
of 1769





PAUL REVERE'S ENGRAVING OF THE "BOSTON MASSACRE" REGIMENTS. The "legend" refers to the "insolent parade" of the landing, — the ships having "their cannon loaded," and "each soldier having received 16 rounds of powder and ball."

on jury trial as unconstitutional and tyrannical. Nicholas, one of the Virginia leaders, declared that the new law was "fraught with worse evils than the Stamp Act, by as much as life is more precious than property"; and George Washington affirmed that it touched a matter "on which no one ought to hesitate to take up arms."

The governor punished the House by peremptory dissolution.<sup>1</sup> But other Assemblies copied the Virginia resolutions or adopted similar ones; and non-importation agreements, *enforced* by semi-revolutionary committees, became nearly universal.

During this turmoil, came the Boston "*Massacre*." Two regiments of British regulars had been sent to Boston, in the fall of 1768, to overawe that turbulent community. This quartering of soldiery upon the town in time of peace, *not for protection, but for intimidation*, was one more infringement of fundamental English liberties. Incessant bickerings followed. Town officials quarreled with the royal governor; and the townspeople and the soldiers squabbled and indulged in fisticuffs in the streets. The troops were subjected to constant and bitter insult; and on the evening of March 5, 1770, came the long-delayed collision. Soldiers and people had been called into the streets by an alarm of fire. Various fracascs occurred. In particular, a sentinel on duty

The Boston  
"Massa-  
cre,"  
March, 1770

<sup>1</sup> Whereon, continues the Journals of the House, "the late representatives of the people, judging it necessary that some Measures should be taken in their distressed Situation . . . resolved upon a Meeting for that very salutary purpose, and therefore, immediately, with the greatest Order and Decorum, repaired to the house of Mr. Anthony Hay." Then the late Speaker was chosen "Moderator," and, after due consideration, the gathering unanimously "recommended" to the colony a long and detailed non-importation association, drawn by George Mason, supported by George Washington, and signed at once by the 89 ex-Burgesses present. The Journal entry closes with the following delicious passage:—

"The business being finished, the following TOASTS were drank:—

The KING,

The QUEEN and ROYAL FAMILY.

His Excellency Lord BOTETOURT [Governor], and Prosperity to VIRGINIA.

The *speedy* and *lasting* Union between Great Britain and her Colonies.

The constitutional British Liberty in America, and all true Patriots, *Supporters* thereof."

was pelted with epithets and snowballs. Six or seven of his companions, under an officer, came to his rescue. One of them, hit by a club, shot an assailant, and immediately the rest of the squad, believing an order to fire had been given, discharged a volley into the crowd. Five persons were killed and six injured.

The next day, on the demand of a crowded town meeting, and as the only way to prevent an organized attack by the citizens upon the troops, Governor Hutchinson removed the regiments to a fort in the harbor. The troops had behaved well for many months, under intense provocation, and are not seriously to be blamed. The mob, no doubt, deserved blame. But the chief condemnation falls upon the British ministry, which had deliberately created the situation that made this "Massacre" inevitable. Some months later, the soldiers were tried before a Boston jury. John Adams and Josiah Quincy, leading patriots, volunteered as their counsel, risking gallantly their popularity and influence. Two of the soldiers were punished lightly; the rest were acquitted.

*The Townshend Acts were a failure.* They had driven the colonies to the verge of rebellion. Each penny collected under them had cost the English treasury a shilling, and English merchants were suffering keenly from the colonial non-importation policy.

On the day of the Boston Massacre, Lord North moved the repeal, except for the insignificant tax on tea, giving notice also that the government would lay no more taxes in America. The tea tax was kept, at the King's insistence, — to mark the principle of parliamentary supremacy.

But instead of seeking real reconciliation, the British ministry took just this time to hector the various colonial Assemblies by arbitrary "orders" on many different subjects. When the Assemblies protested, the governors, under strict instructions, dissolved them; and at other times the usual liberties of the Assemblies,

Failure  
of the  
Townshend  
Acts

Continued  
friction



such as the choice of Speaker and place of meeting, were needlessly infringed.

During these disorders, America learned to organize itself in a semi-revolutionary manner. Committees of correspondence here and there had been a familiar feature of the agitation; but now *standing* committees took the place of the old legal Assemblies and town meetings. On the motion of Samuel Adams, in November, 1772, a *Boston town meeting appointed a committee of twenty-one to maintain correspondence with the other towns of the province upon the infringements of their liberties*. Some such device was made necessary by the fact that the Massachusetts Assembly was no longer free. The two hundred towns responded promptly by appointing similar committees, and soon a vigorous correspondence was going on throughout this complicated network.

The beginning of revolutionary organization in the colonies: Sam Adams and the Massachusetts committees

Samuel Adams, "the man of the Town-Meeting," was the first American political "boss," in the better sense of the word. He played with unflinching skill upon the many strings of the town meeting, working his will through committees and faithful lieutenants. He has been called "the wedge that split England and America asunder." Dr. Howard says of him (*Preliminaries of the Revolution*):—

"He possessed precisely the qualities which belong to a consummate revolutionary leader. The very narrowness of view which often prevented him from seeing the merits of his adversaries only added to this power. He had unbounded faith in democratic self-government . . . and was almost fanatical in his zeal for constitutional liberty. He had indomitable will, great tenacity of purpose, and unflinching courage. . . . He was poor in worldly goods, simple in manner and dress, and able to enter sympathetically into the thoughts and feelings of plain men. Much of his power lay in his ability to persuade and lead the fishermen, rope-makers, and ship-masters of Boston. . . . [He] had a rare talent for practical politics. He displayed a capacity for organization, sometimes lapsing into intrigue, and a foresight sometimes sinking into cunning."

After all, each colony was fairly certain, sooner or later, to find a way to express itself through some revolutionary organization. It was not so certain that *the thirteen colonies could be united* by revolutionary machinery. Here the first step was taken by Virginia. The occasion arose out of the burning of the *Gaspee*, a revenue schooner off the Rhode Island coast — whose commander had become extremely obnoxious to the colony. In pursuit of a smuggler's boat, the *Gaspee* ran aground. It was then boarded by an armed mob, led by a prominent merchant. The commander was shot, the crew put on shore, and the vessel burned. The English government created a special commission to secure the offenders for trial in England. But, though the actors were well known to large numbers of people, no evidence against them could be secured; and, indeed, Stephen Hopkins, Chief Justice of the colony, declared he would commit to prison any officer who should attempt to remove a citizen from the limits of the commonwealth.

Meantime, as in 1769, the attempt to send Americans to England for trial called forth ringing resolutions from the Virginia Assembly (March 12, 1773). But this time the Assembly did more than pass resolutions. It appointed a *standing committee for intercolonial correspondence*, and by formal letter *invited all other Assemblies in America to appoint similar means of intercourse*. Within three months, committees had been set up in half the colonies, and ere long the machinery was complete. July 2, the *New Hampshire Gazette* said of this movement: "*The Union of the Colonies* which is now taking place is big with the most important Advantages to this Continent. . . . Let it be the study of all to make the Union firm and perpetual, as it will be the great Basis for Liberty and every public Blessing in America."

The next step toward revolutionary government was to develop from the local committees a Provincial Congress,

in colony after colony, and from the intercolonial committees of the continent a Continental Congress. This came about in the summer and fall of 1774, as the result of three events, — the attempt of the ministry to force taxed tea down the throats of the colonists, the answer of the Boston Tea Party, and the punishment of Boston by the Port Bill.

Local committees grow into "Provincial Congresses"

Ever since the repeal of the other Townshend duties the animosities of the conflict had been focused on the one taxed article, tea. Says Moses Coit Tyler at the close of a delightful summary (*Literary History of the American Revolution*, I, 246-253):

The tea tax

"The latent comedy of the situation flashes upon us now from the grotesque prominence then given, in the politics of the British empire, to this coy and peace-loving tea plant. By a sort of sarcasm of fate, it happened that between the years 1770 and 1775, this minstress of gentleness and peace, — this homelike, dainty, and consolatory herb of Cathay, — came to be regarded, both in America and England, as the one active and malignant cause of nearly all the ugly and disastrous business. . . . The innocent shrub . . . seldom receives in our literature for those years any less lurid description than . . . 'pestilential herb.' Just south of the Potomac, a much-excited young woman, addicted, as she supposed, to poetry as well as to politics, sent forth to the world a number of stanzas entitled 'Virginia Banishing Tea,' wherein that valorous colony exclaims, —

'Begone, pernicious, baleful Tea,  
With all Pandora's ills possessed;  
Hyson, no more beguiled by thee  
My noble sons shall be oppressed.'

Tory punsters, on the other hand, were inclined to liken the whole disturbance to 'a tempest in a teapot.'"

For six years the colonists, for the most part, had done without that luxury — except for the smuggled article. In April of 1773 Lord North tried an appeal to American avarice. Tea paid a tax of a shilling a pound on reaching England, and, under the Townshend Act, threepence more on importation into

And Lord North's bribe



America. Parliament now arranged that a rebate of the English tax (and of some other burdens) should be given the Tea Company on tea reëxported to America, — so that the colonists would pay the threepence tax, and would still get their tea cheaper than Englishmen could, — and cheaper than it could be smuggled. Ships loaded with this gross bait were at once dispatched to the chief American ports.

But everywhere, by forcible resistance, the colonists kept the tea out of the market. At Charleston it was stored for years, until seized by the Revolutionary government in 1776. At New York, Annapolis, and Philadelphia, mobs frightened the governors or the ship captains into sending back the tea ships without breaking cargo. A tea ship was expected at Philadelphia in September. The "Liberty Boys" of that city distributed a handbill among the Delaware pilots: —

Resistance  
to the land-  
ing of tea

" . . . We need not point out the steps you ought to take if the tea ship falls in your way. . . . This you may depend upon, — that whatever pilot brings her into the river, such pilot will be marked for his treason. . . . Like Cain, he will be hung out as a spectacle to the nations . . . as the damned traitorous pilot who brought up the tea ship. . . .

(Signed) THE COMMITTEE FOR TARRING AND FEATHERING."

Another broadside was addressed to the captain of the expected ship:—"What think you, Captain, of a Halter round your Neck, ten gallons of liquid Tar decanted on your Pate, with the feathers of a dozen wild Geese laid over that, to enliven your appearance." All this was weeks before the Boston episode. The Philadelphia ship, however, did not arrive at the mouth of the river until four or five days *after* the Boston Tea Party; and it then sailed back to England without trying to reach the city.

In Boston the "Tories" were made of sterner stuff, and the clash was more serious. Governor Hutchinson had stationed warships in the channel to prevent the timid owner of three tea vessels from sending them away; and the customs officials prepared to land the tea by a force

of marines as soon as the legal interval should expire. (Ships were allowed to remain only twenty days in the harbor without unloading.) Boston exhausted all means but actual violence, — and then used that so skillfully as to avoid bloodshed. At the last moment, a town meeting resolved itself into a band of Mohawks ("with whom," says Carlyle, "Sam Adams could speak without an interpreter"), and, seizing the vessels before they passed into the hands of the officials, emptied into Boston harbor some ninety thousand dollars' worth of tea (December 16, 1773).

The Boston  
"Tea  
Party,"  
December  
16, 1773

The short-sighted English government replied with a series of "repressive acts"<sup>1</sup> to punish Massachusetts. Town meetings were forbidden, except as authorized in writing by the governor, and for business specified by him. All courts, high and low, with all their officials, were made absolutely dependent upon his appointing and removing power. So far as the election of the Council was concerned, the charter of 1691 was set aside, and the appointment given to the crown. Most effective in rousing American indignation was another act of this series, the *Boston Port Bill*, which closed the port of Boston to commerce, with provision for a blockade by ships of war. Since the entire population depended, directly or indirectly, upon commerce for their living, the town was threatened with starvation. Food and fuel at once became scarce and costly, and great numbers of men were unemployed. But all parts of America joined in sending money and supplies. South Carolina gave cargoes of rice; Philadelphia gave a thousand barrels of flour; from Connecticut came Israel Putnam driving before him his flock of sheep.

And the  
Boston Port  
Bill

<sup>1</sup> Classed with these acts, in the minds of the colonists, was the Quebec Act which was passed at the same time. This legalized the Catholic religion, and restored part of the French law, for Canada. The design was to conciliate the French settlers (almost the sole population), and to set up some authority to deal with the existing anarchy in the fur-trade regions. No act of the series, however, caused more bitter suspicion among the English colonies, with their bigoted fear of Catholicism. The same act extended "Quebec" to include the unsettled district west of the mountains *between the Great Lakes and the Ohio*.

May 12, two days after the arrival of the news of the "Intolerable Acts," the committees of eight near-by towns met at Boston. This gathering sent letters to the correspondence committees of the thirteen colonies suggesting that all America should "consider Boston as suffering in the common cause, and resent the injury inflicted upon her."

The first official response came from Virginia. May 24, 1774, the House of Burgesses set apart June 1 (when the Port Bill was to go into effect) "as a Day of Fasting, Humiliation, and Prayer, devoutly to implore the divine interposition for averting the heavy Calamity which threatens Destruction to our Civil Rights, *and the Evils of civil War*, and to give us one heart and one Mind firmly to oppose by all just and proper means every injury to American Rights." Two days later the governor dissolved the Assembly with sharp rebuke.

On the following day, as on the like occasion five years before (page 194), the ex-Burgesses met at the Raleigh Tavern, and *recommended an annual congress of delegates from all the colonies* "to deliberate on those general measures which the united interests of America may *from time to time* require." *Here was a suggestion for permanent continental revolutionary government.* A second meeting of the ex-Burgesses, on May

31, called a Convention of deputies from Virginia counties, to meet at Williamsburg on August 1, in order to appoint Virginia delegates for the proposed continental congress and to consider a plan for non-intercourse with England. During June and July the Virginia counties, from the Blue Ridge to the Sea, ratified this call in county courts, by authorizing their ex-Burgesses to act for them at the proposed Convention, or by choosing new representatives to do so. *Here were the germs of revolutionary machinery for county and state.*

The records of thirty-one of these Virginia county meetings have been preserved. In all of them resolutions were adopted, in the nature of instructions to the county's delegates to the coming Virginia Convention. Many of these documents are great

Virginia  
calls a  
continental  
congress

And a  
Virginia  
"Conven-  
tion"

The county  
meetings in  
Virginia



state papers, equal in logic and rhetoric to those put forth three months later by the Continental Congress at Philadelphia. Typical in sentiment and language are the Fairfax County resolutions of July 18 (George Washington presiding) — of which perhaps a twentieth part follows: —

“*Resolved . . . that our ancestors . . . brought with them, even if the same had not been confirmed by Charters, the civil Constitution and form of Government of the country they came from, and were by the laws of nature and Nations entitled to all its privileges, immunities, and advantages, which have descended to us, their posterity . . .*

“*Resolved, That the most important and valuable part of the British Constitution, upon which its very existence depends, is the fundamental principle of the people’s being governed by no laws to which they have not given their consent by Representatives freely chosen by themselves, who are affected by the laws they enact equally with their constituents, to whom they are accountable and whose burthens they share . . .*

“*Resolved, That the claim lately assumed by the British Parliament, for making all such laws as they think fit to govern the people of these Colonies, and to extort from us our money without our consent, . . . is totally incompatible with the privileges of a free people and the natural rights of mankind . . .*

“*Resolved, That taxation and representation are in their nature inseparable; that the right of withholding, or of giving and granting their own money, is the only effectual security to a free people against the encroachments of despotism and tyranny . . .*

“*Resolved, That the powers over the people of America, now claimed by the British House of Commons, — in whose election we have no share; in whose determinations we have no influence; whose information must be always defective, and often false; who in many instances may have a separate, and in some an opposite interest to ours; and who are removed from those impressions of tenderness and compassion, arising from personal intercourse and connection, which soften the rigours of the most despotick Government, must, if continued, establish the most grievous and intolerable species of tyranny and oppression that ever was inflicted upon mankind.”*

The document goes on to declare that “all manner of luxury and extravagance ought immediately to be laid

aside" (horse racing is especially denounced in several counties as a form of "dissipation inconsistent with the gloomy prospect before us"); that men of fortune "ought to set examples of temperance and frugality"; that, to encourage the wool industry (for supplies of domestic clothing) "those who have large stocks of sheep [should] sell to their neighbors at a moderate price"; and that "merchants and vendors of goods ought not to take advantage of our present distress but continue to sell the merchandize they now have . . . at the same prices they have been accustomed to," with sinister suggestion as to what might happen to said vendors if this advice were neglected. Many counties with studied economy of phrase *except* from the non-importation agreement *saltpeter* and *sulphur*, as "articles of increasing necessity."

On the suggestion from Virginia, all the colonies but Georgia chose delegates to a congress, to meet September 1 at Philadelphia. We know this "*First Continental Congress*" of 1774 only from letters and later recollections of some of its members and from imperfect notes taken at the time by two or three delegates. It sat six weeks, and was a notable gathering, — although forty years afterwards John Adams described it as "one third Tories, one third Whigs and the rest Mongrels."

The Moderate party (Adams' "Tories") desired still to use only constitutional agitation to secure redress of grievances. This element was led by Joseph Galloway of Pennsylvania, supported by John Jay of New York and Edward Rutledge of South Carolina. The Radicals insisted that, as a prelude to reconciliation with England, the ministry must remove its troops and repeal its acts. After strenuous debate, Galloway's proposals were rejected by a vote of *six* colonies to *five*. The Congress then *recommended* the Radical plan of a huge universal boycott, in the form of a solemn *Association*. The signers were to bind themselves neither to import any British goods nor to export their own products to Great Britain. To enforce this agree-

The First  
Continental  
Congress,  
September,  
1774

ment, efficient machinery was recommended. Every town and county was advised to choose a committee, acting under the supervision of the central committee of its province, "to observe the conduct of all persons," and to have all violations "published in the gazette," that the foes to the rights of America might be "universally condemned." Both content and language of the great Act are modeled closely upon the Virginia Convention's resolutions — which, in turn, followed closely the Fairfax County resolutions quoted above.

*The "First Continental Congress" was not a legislature or a government.* The name "congress" was used to indicate its informal character. No governing body had ever held that name. *It was a meeting for consultation.* It claimed no authority to do more than advise and recommend. *The delegates had been elected in exceedingly informal fashion,* — by a part of a legislature, called together perhaps in an irregular way; or by a committee of correspondence; or by a mass meeting of some small part of a colony, claiming to speak for the whole; or, in six colonies, by a new sort of gatherings known as *provincial conventions*, similar to that in Virginia (above). None of this first series of provincial conventions sat more than five or six days (most of them only for a day): and none took any action except to appoint delegates to Philadelphia and to instruct them, — except that one or two provided for a second convention, to be held *after* the Continental Congress.



## CHAPTER XI

### THE AMERICAN REVOLUTION

#### I. FROM COLONIES TO COMMONWEALTHS, 1775-1776

THE Assemblies of New York and Georgia refused to ratify the recommendations of the Continental Congress. But within six months all other colonies had adopted the Association — either by their regular Assemblies or by “conventions”; and everywhere “committees of public safety” and mobs were terrorizing reluctant individuals into signing. Tar and feathers and “the birch seal” became common means of persuasion; and Moderates complained bitterly that, in the name of liberty, the populace denied all liberty of speech or action. A great revolution, however righteous, is sure to have its ugly phases.

The issue had changed. The question, now, was not approval or disapproval of parliamentary taxation, but whether resistance should be forcible. The radical “Patriots” were probably a minority; but they were aggressive and organized, and eventually they whipped into line the great body of timid and indifferent people. On the other hand, many earnest “Patriots” of the preceding period now became “Tories” from repugnance to armed rebellion or to mob rule. Even John Adams was seriously disturbed by the glee of a horse-jockey client at the closing of the courts. In the few cities the revolutionary movement fell largely to the democratic artisan class. June 1, 1774, the governor of New York, writing to the English government on the excitement about the Boston Port Bill, says: —

“The Men who call’d themselves the Committee [in New York] — who acted and dictated in the name of the People — were

many of them of the lower Rank, and all the warmest zealots. . . . The more considerable Merchants and Citizens seldom or never appeared among them, but, I believe, were not displeased with the Clamor and opposition that was shown against internal Taxation by Parliament."

In the winter and spring of 1775, regular legal government broke down. In colony after colony, the governors refused to let the legislature meet, and the people refused to let the governors' courts or other officials act. Then in many places, to prevent absolute lawlessness, county meetings or local committees set up some sort of *provisional* government, to last until "the restoration of harmony with Great Britain." Action of this kind in Mecklenburg County, North



THE CONCORD MINUTE MAN.<sup>1</sup>

Carolina, on May 30, 1775, through distorted recollections, gave rise years later to the legend of a Mecklenburg "Declaration of Independence" on *May 20*.

<sup>1</sup> A statue by Daniel Chester French at Concord Bridge. On one face of the base is inscribed a stanza from Emerson's "Concord Hymn":—

\* \* \* \* \*

Here once the embattled farmers stood  
And fired the shot heard round the world.

Across the stream, in a curve of the stone fence, is the grave of two British soldiers, over whose dust have been carved the lines from Lowell:—

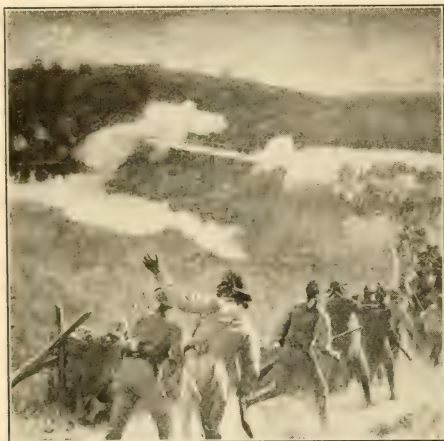
They came three thousand miles and died,  
To keep the Past upon its throne.

During this turbulent disorder, *second provincial conventions* were held in several colonies, to act upon the recommendations of the First Continental Congress. Of course the "Tories" had refused to pay any attention to the "illegal" elections, and in some cases, indeed, they were excluded from voting by test oaths. *Some of these conventions now became de facto governments.* They organized troops, raised money, and assumed civil powers far enough to

A second group of provincial conventions become *de facto* governments

alleviate the existing anarchy. In form, their acts were still *recommendations*; but the local committees enforced them as *law*.

These second conventions in most of the colonies appointed delegates to the Second Continental Congress. Between the election of that body and its meeting (May 10), General Gage, commander of the British troops in Boston, tried to seize Massa-



THE CONCORD FIGHT — the painting by Simmons in the Boston State House. Cf. p. 165.

achusetts military stores at Concord, — and so called from Lexington and Concord "embattled farmers" "the shot heard round the world" (*April 19, 1775*). Gage had sown dragon's teeth. From New England's soil twenty thousand volunteers sprang up to besiege him in Boston.

In consequence, the Second Continental Congress swiftly became a government, to manage the continental revolution; and, during the summer, a third lot of provincial conventions openly avowed themselves governments for their respective colonies, — appointing committees of safety (in place of the royal governors, who had been set aside or driven

Second Continental Congress becomes a continental government



out), and themselves assuming even the *forms* of legislative bodies.

The members of the Second Continental Congress, like those of the First, had been elected, not as a legislature, but *to formulate opinion*, and to report their recommendations back to their colonies for approval. The war changed all that. *A central government was imperative*; and the patriot party everywhere recognized the Congress as the only agent to fill that place.

For the first five weeks, that body continued to pass recommendations only. But June 15 it adopted the irregular forces about Boston as a continental army, and appointed George Washington commander in chief. A year later it proclaimed the Declaration of Independence. Between these two events it created a navy, opened negotiations with foreign states, issued bills of credit on the faith of the colonies, and took over (from the old English control) the management of Indian affairs and of the crude post office.

But the Revolution in government was not *one* movement. It was a whirl of thirteen State revolutions within this Continental revolution. The de



THE WASHINGTON ELM AT CAMBRIDGE. From a photograph taken in 1895. The inscription runs:—

Under this tree  
Washington  
first took command  
of the  
American army  
July 3, 1775.

Thirteen  
"revolu-  
tions"

velopment of the State government of Virginia is fairly typical.

County gatherings in that Province in December and January (1774-1775) approved the Continental Congress and set up the Association, so that a second convention was not necessary until it came time to appoint delegates to the Second Continental Congress. Meantime, *many counties*, on their own initiative, *organized and armed a revolutionary militia*, raising the necessary "taxes" by "recommendations" of county committees; and Cumberland County formally instructed its delegates to the Second Provincial Convention to declare to that body that any general tax imposed by it for such purposes would be "cheerfully submitted to by the inhabitants of this county." The First Convention (August, 1774) had authorized its chairman to call a second when desirable. The Second Convention met March 20, 1775. It passed only "recommendations" *in form*; but it did organize the revolutionary militia into a state system. It sat only eight days; but it recommended the counties at once to choose delegates to a Third Convention to represent the colony *for one year*.

Governor Dunmore forbade the elections to this Third Convention as "acts of sedition"; but they passed off with regularity. Meantime, the governor called an Assembly, to consider a proposal from Lord North, intended to draw Virginia away from the common cause. Instead of this, the Assembly gave formal sanction to all the acts of the Continental congresses and of the Virginia conventions. In the squabbles that followed, Dunmore took refuge on board a British man-of-war. The Assembly strenuously "deplored" that their governor should so "desert" the "loyal and suffering colony," and adjourned, June 24. This ended the last vestige of royal government in Virginia. Three weeks later, the Third Convention gathered at Richmond (out of range of guns from warships), and promptly assumed all powers *and forms* of government. It gave all bills three readings, and

Virginia  
passes from  
colony to  
common-  
wealth:  
a typical  
instance

The end of  
royal gov-  
ernment

enacted them as *ordinances*; and it elected an executive (a "committee of safety"), and appointed a colonial Treasurer and other needful officials. In the winter of 1776 it dissolved, that a new body, fresher from the people, might act on the pressing questions of independence and of a permanent government.

The Loyalists early began to accuse the Patriots of aiming at independence. But, until some months after Lexington, the Patriots vehemently disavowed such "villainy," protesting enthusiastic loyalty to King George. They were ready to fight, — but only as Englishmen had often fought, to compel a change in "ministerial policy." Otis, Dickinson, Hamilton, in their printed pamphlets, all denounced any thought of independence as a crime. Continental congresses and provincial conventions solemnly repeated such disclaimers. In March, 1775, Franklin declared that he had never heard a word in favor of independence "from any person drunk or sober." Two months later still, after Lexington, Washington soothed a Loyalist friend with the assurance that if the friend ever heard of his [Washington's] joining in any such measure, he had leave to set him down for everything wicked; and June 26, after becoming commander of the American armies, Washington assured the New Yorkers that he would exert himself to establish "peace and harmony between the mother country and the colonies." In September, 1775, Jefferson was still "looking with fondness towards a reconciliation," and John Jay asserts that not until after that month did he ever hear a desire for independence from "an American of any description." For months after Bunker Hill, American chaplains, in public services before the troops, prayed for King George; and, for long, Washington continued to refer to the British army merely as the "*ministerial* troops." Even in February, 1776, when Gadsden in the South Carolina convention expressed himself in favor of independence, he roused merely a storm of dismay, and found no support. And a month later

Growth of  
the idea of  
independ-  
ence



still, Maryland instructed her delegates to the Continental Congress not to consent to any proposal for independence.

All this was honestly meant; but the years of agitation had sapped the ties of loyalty more than men really knew, and a few months of war broke them wholly. In the fall of 1775 the King refused contemptuously even *to receive* a petition for reconciliation from Congress; and soon afterward, he sent to America an army of "Hessians" hired out, for slaughter, by petty German princelings. Moreover, it became plain that, in order to resist England, the colonies must have foreign aid; and no foreign power could be expected to give us open aid while we professed ourselves English colonies.

Thus, unconsciously, American patriots were ready to change front. Then, in January, 1776, came Thomas Paine's daring and trenchant argument for independence in *Common Sense*. This fifty-page publication, in clarion tone, spoke out what the community hailed at once as its own unspoken thought. One hundred and twenty thousand copies sold in three months, — one for every three families in America. At first the author's name was not given, and the booklet was commonly attributed to one of the Adamses or to Franklin. Paine was a poor English emigrant, of thirteen months before, whom Franklin had befriended for the "genius in his eyes." A few lines may represent his terse style.

"The period of debate is closed. Arms . . . must decide. . . . By referring the matter from argument to arms, a new era in politics is struck. . . . All plans . . . prior to the nineteenth of April are like the almanacs of last year. . . .

"Where, say some, is the king of America? I'll tell you, friend. He reigns above, and doth not make havoc of mankind, like the royal brute of Britain. . . . A government of our own is our natural right. . . . Freedom has been hunted round the globe. Asia and Africa have long expelled her. Europe regards her like a stranger; and England has given her warning to depart. O, receive the fugitive and prepare in time an asylum for mankind."

Meantime, the growth of independent State governments was going on. Several colonies had applied to Congress

Thomas  
Paine's  
*Common  
Sense*

for counsel, in the disorders of the fall of 1775. In reply, Congress "recommended" the provincial convention of New Hampshire "to call a full and free representation of the people . . . [to] establish such a form of government as in their judgment will best produce the happiness of the people and most effectually secure peace and good order in that province, *during the continuance of the present dispute between Great Britain and the colonies.*" Under such advice, early in 1776, New Hampshire and South Carolina set up *provisional* constitutions. These documents, however, did not imply independence. They declared themselves temporary, and referred always to the commonwealths not as States, but as "colonies."

Other State  
govern-  
ments

But May 15, 1776, Congress took more advanced action. It recommended the "assemblies and conventions" of all colonies, "where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such a government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general." Two days later, in a letter to his wife, John Adams hailed this action (for which he had been the foremost champion) as "a total, absolute independence . . . for such is the amount of the resolve of the 15th."

Congress  
recom-  
mends State  
govern-  
ments

*Virginia had not waited for this counsel.* The Fourth Virginia convention (page 211) met May 6, 1776, and turned at once to the questions of independence and of a constitution. The only difference of opinion was: Should Virginia, *standing alone*, declare herself an independent State and frame a constitution for herself? Or should she try to get the Continental Congress to make a declaration and to suggest a general model of government *for all the new States*? Plans were presented, representing each of these views. On May 15, after much debate, the convention determined upon a middle plan. *Unanimously it instructed its representatives in Congress to move immediately for a gen-*

Virginia  
leads for  
independ-  
ence and a  
State con-  
stitution

*eral Declaration of Independence there; and it appointed committees at once to draw up a constitution for Virginia herself as an independent State.* This was done some days before the recommendation of Congress for State constitutions was known in Virginia.

The *bill of rights* (the first part of the constitution) was reported by the committee *May 27*, and adopted by the convention *June 12*. The "*frame of government*" was adopted *June 29*. To it at the last moment was prefixed a third part of the constitution, a *declaration of independence for Virginia*, earlier than the Continental Declaration.

The *Virginia Bill of Rights* was the first document of the kind in our history, and it remains one of our greatest state papers. Three or four States at once copied it, and all the bills of rights during the Revolutionary period show its influence. Some provisions, such as those against excessive bail, cruel or unusual punishments, arbitrary imprisonment, and the like, go back to *ancient English charters*, even for their wording. *Recent grievances* suggested certain other clauses, — the prohibition of "general warrants" (page 171), the insistence upon freedom of the press, and the emphasis upon the idea that a jury must be "of the vicinage" (page 193).

More significant still, this immortal document opens with a *splendid assertion of human rights*. English bills of rights had insisted upon the historic *rights of Englishmen*, but had said nothing of any *rights of man*: they had protested against *specific grievances*, but had asserted no *general principles*. Such principles, however, had found frequent expression in English literature, and thence had become household phrases with American political thinkers.<sup>1</sup> Now, these fundamental principles, upon which American government rests, were written by George Mason into this Virginia bill of rights, — a fact which distinguishes that document

<sup>1</sup> Cf. Otis' words, page 171 above. About 1760 this democratic English literature began to affect deeply a few French thinkers, like Rousseau. These men stated the old English principles with a new French brilliancy; and it is sometimes hard to say whether the American leaders drew their doctrines from the French or the older English sources.



from any previous *governmental* document in the world. Two or three weeks later, Jefferson incorporated similar principles, clothed in phrase both more eloquent and more judicious, in the opening paragraphs of the Continental Declaration of Independence.

Among the principles of the Virginia document are the statements:—

“That all men are by nature equally free<sup>1</sup> and independent, and have certain inherent rights. . . .

“That all power is . . . derived from the people.

“That government is, or ought to be, instituted for the common benefit of the people . . . and that when any government shall be found inadequate . . . a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it. . . .

“That no free government, or the blessings of liberty, can be preserved . . . but . . . by frequent recurrence to fundamental principles.

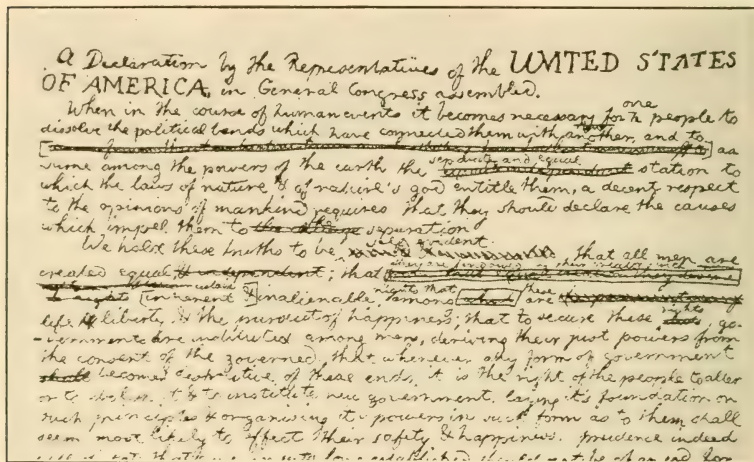
“That . . . all men are equally entitled to the free exercise of religion, according to the dictates of conscience.”

June 7, soon after the Virginia instructions of May 15 reached Philadelphia, *the Virginia delegation in the Continental Congress moved that the united colonies be declared “free and independent States.”* Brief debate followed; but action was postponed, to permit uninstructed delegates to consult their Assemblies. Meantime, Congress appointed a committee to prepare a fitting “Declaration” for use if the motion should prevail. Happily it fell to Thomas Jefferson to pen the document; and his splendid faith in democracy gave the Declaration a convincing eloquence which has made it ever since a mighty power in directing the destiny of the world.

The American Declaration of Independence, July 4, 1776

<sup>1</sup> According to Edmund Randolph, the phrase *equally free* was objected to as inconsistent with slavery. Such objectors were quieted with the amazing assurance that “slaves, *not being constituent members of our society*, could never pretend to any benefit from such a maxim.” In Massachusetts, similar words in her bill of rights of 1780 were held later by her courts to have abolished slavery within her limits, though that result was not thought of when the clause was adopted.

By July 1, all delegations except New York's had either received positive instructions to vote for independence or had at least been released from former restrictions against doing so; and the matter was again taken up. The first vote was divided; but on the next day (July 2) the motion for independence was carried by the vote of twelve States.



ORIGINAL DRAFT OF THE DECLARATION OF INDEPENDENCE in Jefferson's handwriting, written, he tells us, "without reference to book or pamphlet." — A photograph from a facsimile in the Boston Public Library.

The formal Declaration, reported by the committee, was then considered in detail, and adopted on July 4. On the 9th, a new (Fourth) Provincial Congress for New York gave the assent of that State.

The delegates from New York had written home for instructions (June 10), but the Third New York Convention replied that it could not presume to give authority. A "Fourth Convention" was called at once, to act upon the matter. This was virtually a referendum. The new convention did not meet until July 9, and so the delegates from New York at Philadelphia took no part in the votes.

John Adams regarded the vote of July 2 as the decisive

step. On the 3d of July he wrote to his wife: "The *second day* of July, 1776, will be the most memorable epocha in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time foreward forever more."

Military events in '76 were indecisive. In the spring, after nearly a year's siege, Washington forced the English out of Boston, but he was unable to prevent their occupying New York. Defeated badly at Long Island and White Plains, his sadly lessened troops withdrew through New Jersey into Pennsylvania; but a few weeks later he cheered the Patriots by the dashing winter victories of Trenton and Princeton. In the darkest of the dark days before those victories, Thomas Paine thrilled America with *The Crisis*. This pamphlet was a mighty factor in filling the levies and dispelling despondency. Pages of it were on men's tongues, and the opening sentence has passed into a byword,—"These are the times that try men's souls."

Military  
events in '76

Thomas  
Paine's  
*The Crisis*

## II. THE NEW STATE CONSTITUTIONS

Meantime the revolution in governments went on. Said John Adams toward the close of '76,—"The manufacture of governments is as much talked of as was the manufacture of saltpeter before." In the six months between the Declaration of Independence and the Battle of Trenton, seven States followed Virginia in adopting written constitutions. Georgia was hindered for a time by the predominance of her Tories; and New York, because she was held by the enemy. These States followed in '77. The remaining three States had already set up provisional governments. In Massachusetts and New

Constitu-  
tions in the  
Thirteen  
States



Hampshire, these remained in force for some years. South Carolina adopted a regular constitution in '78.

Thanks to the political instinct of the people, the institution of these new governments, even in the midst of war and invasion, was accomplished quietly. As to Virginia, Jefferson wrote (August 13, '77), — "The people seem to have laid aside the monarchic, and taken up republican government, with as much ease as would have attended the throwing off an old and putting on a new suit of clothes."

*No one of the first eleven constitutions was voted on by the people.* In most cases the "conventions" that adopted them had no express authority to do so; and some of those conventions had been elected months before there was any talk of independence. For the most part, the constitutions were enacted precisely as ordinary laws were. In Virginia Jefferson urged a referendum on the constitution, arguing that otherwise it could be repealed by any legislature, like any other statute. But this doctrine was too advanced for his State. A "union of mechanics" in New York, too, protested vigorously but vainly against the adoption of a constitution by a provincial convention without "the inhabitants at large" being permitted to "exercise the right God has given them . . . to approve or reject" it.

In New England, on the other hand, thanks to the training of the town meeting, the sovereignty of the people was understood by every artisan and farmer, as elsewhere only by lonely thinkers. (The New York "mechanics," just quoted, were mainly of New England birth or descent.) The legislatures of Rhode Island and Connecticut did adopt the old charters as constitutions (without change), without reference to the people, because it was held that the people had already sanctioned them by long acquiescence. But in New Hampshire and Massachusetts, *where new constitutions were to be adopted*, there was no serious thought of acting without a popular referendum. Indeed, that was not enough. The people of these States demanded also a popular *initiative* in the matter.

No popular  
ratification  
outside New  
England

Throughout the summer of '76, Massachusetts papers and pamphlets teemed with projects for a new government. Some of these were fantastic enough to give delight to critics of democracy. One "farmer" published a constitution of sixty articles, which, he boasted modestly, he had prepared for the commonwealth "between the hours of 10 A.M. and 2 P.M." Opposition to any executive was common.

The Massachusetts constitutional struggle, 1776-1781

At a slightly later date, one town voted "that it is Our Opininn that we do not want any Goviner but the Guviner of the univarse and under him a States Ginerall to Consult with the wrest of the united stats for the good of the whole."

September 17 the Assembly asked the towns to authorize it to prepare a constitution, "to be made public for the *inspection and perusal* of the inhabitants, before the ratification thereof by the Assembly." This would have let the people only make suggestions. Massachusetts would not tolerate such a plan, and a general opposition appeared to any action whatever by the ordinary legislature. Various towns voted to resist the movement until — in the words of a Boston resolution — the people should elect "a convention for this purpose *and this alone*." Still the next year (May 5, 1777), the expiring Assembly recommended that its successor should be empowered, *at the elections*, to make a constitution. Many towns again refused assent. None the less, *the new Assembly did venture to submit a constitution to the vote of the towns* (February, 1778); but less than a tenth of the towns approved the document!

At last the Assembly was converted. It now asked the towns to vote at the next election whether they would empower their delegates in the coming Assembly to call a Convention *for the sole purpose* of forming a constitution. The responses were favorable, and a Convention was called for September 1, to be chosen as regular Assemblies were. That body drew up a constitution which (March 2) was submitted to the towns. More than two thirds the towns voted to ratify; and in June, 1780, the constitution went into effect.

In New Hampshire a like method was followed; and, after three plans had been rejected, a constitution was ratified in 1783. It was many years before this method became general outside New England.

*The thirteen constitutions were strikingly alike.* This was due mainly to the similarity between the preceding colonial governments, but in part to a remarkably active interchange of ideas among the leaders during the spring and summer of '76. Before the Fourth Virginia Convention Patrick Henry corresponded freely with the two Adamses. Members of Congress at Philadelphia constantly discussed forms of government at informal gatherings; and, on several occasions, delegates from distant colonies returned home to take part in constitution-making.

All the constitutions were "*republican*," without a trace of *hereditary* privilege. Nearly all safeguarded the rights of the individual by a distinct *bill of rights*. Most of them formally *adopted the English Common Law* as part of the law of the land. Except in Pennsylvania and Georgia (the two youngest States) the legislature had *two Houses*. Pennsylvania kept a plural executive, — a council with one member designated as "president"; but elsewhere the revolutionary committees of safety gave way to a *single* "governor" or "*president*." The governors, however, had less power than the old colonial governors. The people did not yet clearly see the difference between trusting an officer chosen by themselves and one appointed by a distant king. New York and Massachusetts, however (the eleventh and twelfth States to adopt constitutions), had had time to learn the need of a firm executive, and strengthened that branch of government somewhat, though they left it weaker than is customary to-day. *These two States also placed the election of the governor in the hands of the people directly.* That was already the case in Connecticut and Rhode Island under the colonial charters. Everywhere else the executive was *appointed by the legislature*.

Similarity  
of the  
thirteen  
constitu-  
tions

The execu-  
tive weak-  
ened



Everywhere *the legislature overshadowed the two other branches of government. The judiciary, like the executive, was usually chosen by the legislature, and in many cases was removable by executive and legislature without formal trial. No one yet foresaw, in anything like its modern extent, the later power of the judiciary to declare legislative acts void. The old executive check upon the legislature, the absolute veto, nowhere appeared.* Only two States devised *the new qualified veto,* to be overridden by two thirds of each House, which has since become so common. New York gave this veto to governor and judiciary acting together, in a "revisionary council"; Massachusetts gave it to the governor alone.

Supremacy  
of the  
legislature

The veto

*Religious discrimination was common. "Freedom of worship" was generally asserted in the bills of rights; but this did not imply our modern separation of church and state. Office-holding in several States was restricted to Protestant Christians, and some States kept a specially favored ("established") church. The Massachusetts bill of rights provided that all citizens should be taxed for church support, but that each man should have the right to say to which church in his town or village his payment should go. Most places in Massachusetts, however, had only a Congregational church, which, therefore, was maintained at public expense. Connecticut had a similar plan.*

Religious  
discrimina-  
tions

To-day it is customary to say that the most important clause in any constitution — "the constitutional clause" — is the one that determines how the document may be changed. *But half these first constitutions had no amendment clause whatever. The omission was due partly to the political inexperience of that day; partly to the vague expectation that, on occasion, by a sort of peaceful revolution, the people would "recur to fundamental principles" in much the same way as in creating the original instruments. Even when an attempt was made to define a method of amendment, the result was in most cases unsatisfactory. In South Carolina*

Lack of  
provision  
for amend-  
ment

the legislature gave ninety days' notice (that public opinion might be known), and then acted as in passing any law. In Maryland, an amendment became part of the constitution if passed by two successive legislatures. In Delaware five sevenths of one house and seven ninths of the other were required to carry an amendment, — which amounted to complete prohibition upon constitutional change. In Pennsylvania, amendments could be proposed only at intervals of seven years, and only in a peculiar and complicated fashion — which eventually proved unworkable. Only Georgia and Massachusetts provided for calling constitutional conventions in modern fashion.

*Each of the thirteen States excluded a large part of even the free White males from voting.* Some gave the franchise only to those who held land, and most of the others demanded the ownership of considerable taxable property of some kind as a qualification. Even such democratic States as Pennsylvania, New Hampshire, Georgia, North Carolina permitted only taxpayers to vote.<sup>1</sup> The country over, probably not one White man in four held even the lowest degree of the suffrage. Democracy was more praised than practiced.

Another effective aristocratic device was to set up *graded* qualifications for political rights. Commonly, a man had to have more property to vote for the upper than for the lower House of the legislature. This made the senates special protectors of property interests. Commonly, too, there was a still higher qualification for sitting in the legislature, — often more for the upper House than for the lower, — and yet more for a governor. In several States, the upper House was chosen by the lower. In Massachusetts, all men who could vote for one House could vote for the other also,

<sup>1</sup> These four States recognized clearly that democracy demands education. They all put into their constitutions a provision for encouraging public education. It should be added that Pennsylvania and Georgia were a trifle more liberal with the franchise than the compact statement in the text would indicate. The first gave the suffrage to the grown-up sons of freeholders, and the second to certain classes of skilled artisans, whether taxpayers or not.

but in choosing the senate, the votes were so *apportioned* that a rich man counted for several poor men: the richer any part of the State, the more senatorial districts it had. North Carolina pretty well lost her democracy in these gradations: *to vote* for a representative, a man had only to be a taxpayer; but *to vote* for senator, he must own 50 acres of land; *to sit* as representative, he must have 100 acres; as senator, 300 acres; and as governor, £1000 of real estate.

Here were four ingenious checks upon a dangerously encroaching democracy: (1) an upper House so chosen as to be a stronghold for the aristocracy; (2) indirect election of the executive and judiciary; (3) property qualifications, sometimes graded, for voting; and (4) higher qualifications for holding office. *All these had been developed in the colonial period. On the whole the new States weakened the checks (and no State increased them); but every State retained some of them.*

This suggests also a curious fact regarding our State senates. In the seventeenth century, aristocracy was so strong that the aristocratic "Council" (whether elected as in Massachusetts, or appointed as in Virginia) dominated a one-House Assembly. *The change to two Houses was set in motion everywhere by the democratic element, as a step toward greater freedom of action* (pages 44, 87). When we reach the Revolution, democracy has gained power; and *it was the aristocracy which preserved the two-House system*, in order that property and station might intrench themselves safely in the upper House when compelled to surrender the other one.

Vermont, it is true, was a real democracy; but she was not one of the thirteen colonies, nor did she become a State of the Union until 1791. Her territory had belonged to New York and New Hampshire; but neither government was satisfactory to the inhabitants — who were really Connecticut and New Hampshire frontiersmen (page 166); and during the early Revolutionary disorders, the Green Mountain districts set up a government of their own

The Vermont democracy: "an exception that proves the rule"



(adopting, as their hasty statement put it, "the laws of God and Connecticut, *until we have time to frame better*"). This "Vermont" was not "recognized" by Congress or by any State government; but, in 1777, it adopted a constitution with manhood suffrage.

### III. CONGRESS AND THE WAR

England's task was a difficult one, even if she had had only America to deal with. Great Britain had then eight million people, — or about three times as many as the colonies had. But she had to wage war across three thousand miles of ocean in an age when it took eight or ten weeks to cross and when no ship carried more than four or five hundred people. The Americans, too, inhabited a large and scattered territory, with no vital centers. To conquer it, an invading army must hold much of it at one time. At one time or another, English troops held Boston, New York, Newport, Philadelphia, Savannah — but never more than one or two at once.

The first great danger to the colonies lay, not in England's strength, but in American disunion. The Revolution was more of a civil war than was even the great "Civil War" of 1861. In 1776 every community was divided, and neighbor warred on neighbor. In New York, Pennsylvania, and Georgia the Loyalists were a majority, and in the colonies as a whole they made at least every third man. They came mainly from the commercial, capitalistic, and professional classes, always timid regarding change, and from the easy-going, well-contented part of society. On the whole, they represented respectability and refinement. Society was moving rapidly: not all could keep the same pace. In July, 1776, the line was drawn. Men who that month stood where Washington or Jefferson had stood seven or eight months before (page 211) were Tories.

The other great danger to America was the inefficiency of Congress. Even with every third man siding with England,

if we had had a central government able to gather and wield our resources, the British armies could have been driven into the sea in six months. From their 500,000 able-bodied White males, the Americans should have put in the field an army of 100,000 men. But if we leave out the militia, which now and again swarmed out for a few days to repel a local raid, the Continental forces hardly reached a third that number at any time. *For the greater part of the war, indeed, the American armies numbered only about 10,000 men, and at times they sank to 5000.*

Even these few were ill-paid, ill-fed, and worse clothed. And this, *not so much from the poverty of the country, as from lack of organization.* As John Fiske well says, in referring to the dreadful sufferings of Washington's army at Valley Forge, which "have called forth the pity and admiration of historians":—

"The point of the story is lost unless we realize that this misery resulted from gross mismanagement rather than from the poverty of the country. As the soldiers marched on the seventeenth of December to their winter quarters, their route could be traced on the snow by the blood that oozed from bare, frost-bitten feet. Yet, at the same moment, . . . hogsheads of shoes, stockings, and clothing were lying at different places on the route and in the woods, perishing for want of teams."

Fortunately the English commanders were of second or third rate ability. Lord North is reported to have said of them,—"I don't know whether they frighten the enemy, but I am sure they frighten me." Among the Americans, the war developed some excellent generals of the second rank, — Greene, Arnold, Marion, — but many officers were incompetent or self-seeking or treacherous. After the first months, the faithful endurance of the common soldier was splendid. Said one observer, "Barefoot, he labors through Mud and Cold with a Song in his Mouth, extolling War and Washington." Yet at times even this soldiery was driven to conspiracy or open mutiny by the jealous unwillingness of Congress to make provision for their needs in the field or for their families at home.

Out of all this murkiness towers one bright and glorious figure. Pleading with Congress for justice to his soldiers, George Washington shaming or sternly compelling those justly dissatisfied soldiers to their duty, quietly ignoring repeated slights of Congress to himself, facing outnumbering forces of perfectly equipped veterans when his own army was a mere shell, *Washington*, holding well in hand that fiery temper which still, on occasion, could make him swear "like an angel from heaven," was always great-minded, dignified, indefatigable, steadfastly indomitable; a devoted patriot; a sagacious statesman; a consummate soldier, patient to wait his chance and daring to seize it: the one indispensable man of the Revolution.

The best excuse for the misrule of Congress was its real weakness and its consequent feeling of irresponsibility. In all internal matters, it was limited to recommendations; and the States grew to regard its requests more and more lightly. It *asked* men to enlist, offering bounties to those who did so; but often it found its offers outbid by the State governments to increase their own troops. It had no power to draft men into the ranks: only the State governments could do that. So, too, in the matter of finances. *Congress could not tax*: it only called on the States for contributions, in a ratio agreed upon. Such contributions, even when reinforced by the loans from France, were not more than half of the amount necessary to carry on the war.

At the very beginning, Congress was forced to issue paper money. Each scrap of such money was merely an indefinite promissory note from Congress to "bearer." In five years, printing presses supplied Congress with \$241,000,000 of such "*Continental currency*";<sup>1</sup> and, with this, perhaps \$50,000,000 worth of services and supplies were bought. (After depreciation began, even with a new issue Congress could not get nearly a dollar's worth of supplies for

<sup>1</sup> So called to distinguish this currency put forth by the central government from similar issues by the States. The State currency amounted to \$200,000,000 more; but most of it had more value than the Continental paper.



a paper dollar.) Congress itself had no power to compel people to take this currency; but, at the request of Congress, *the States* made it legal tender. The people, however, had little confidence in the promise to repay. In 1776 (when only twenty millions had been issued), depreciation set in. In 1778, a dollar would buy only twelve cents' worth of goods. In 1781 Thomas Paine paid \$300 for a pair of woolen stockings, and Jefferson records a fee of \$3000 to a physician for two visits. "Not worth a continental" became a byword. Before the close of 1781, this currency ceased to circulate except as speculators bought it up, at perhaps a thousand dollars for one in coin. A mob used it to "tar and feather" a dog; and we are told of an enterprising barber who papered his shop with Continental notes.

All this meant a reign of terror in business. Men who, in 1775, had loaned a neighbor \$1000 in good money were compelled, three or four years later, to take in

payment a pile of paper almost without value, but *named* \$1000. Prices varied fantastically from one day to another, and in neighboring localities on the same day. *Wages and salaries rose more slowly than prices* (as is always the case), and large classes of the people suffered exceedingly in consequence.

But it must be remembered that this "cheap money" was the only money Congress could get. If a "note" had ever been repaid, it would have been in reality a "forced loan." Since it never was repaid, it amounted to a *tax*, or a *confiscation* of private property for public uses, — the tax being paid, not by one man, but by all the people through whose hands it passed. A sold a horse to the government for one



A CONTINENTAL BILL, from the original in the Massachusetts Historical Society Collections.

hundred dollars in paper currency; when he passed the paper on to *B*, he received perhaps only ninety dollars in value for it. Ten dollars had been taken from him by tax, or confiscation. *B* perhaps got only seventy dollars' worth for the money; so he had been "taxed" twenty dollars. The government had secured the horse for a piece of paper, and eventually the horse was paid for by the various people in whose hands the paper depreciated. Such taxation was horribly wasteful and demoralizing; but it was the *only kind of tax* to which the people would have submitted in the amount required. Without the paper money, the Revolution could not have been won.

The critical years of the war were '77 and '78. In 1777 Howe invaded Pennsylvania. Washington maneuvered his inferior forces admirably. He retreated when he had to; was robbed of a splendidly deserved, decisive victory at Germantown only by a mixture of chance and a lack of veteran discipline in his soldiers; and, after spinning out the campaign for months, went into winter quarters at Valley Forge — then to grow famous for heroic suffering. Howe had won the empty glory of capturing "the Rebel Capital," — where he now settled down to a winter of feasting and dancing; but Washington had decoyed him from his chance to make safe Burgoyne's invasion from Canada, and so crush the American cause. Lacking the expected coöperation from the south, Burgoyne proved unable to secure the line of the Hudson, and was forced to surrender to the incompetent Gates.

This capture of an entire English army turned the wavering policy of France into firm alliance with America against her ancient rival. From the first, the French government had furnished the Americans with money and supplies, secretly and indirectly; and many adventurous young noblemen like Lafayette, imbued with the new liberal philosophy of Rousseau, had volunteered for service under Washington. Franklin had been acting as the American agent in Paris for some months without formal recognition.

Now he quickly secured a treaty of alliance that recognized the independence of the United States. The possessions of the two allies in America were mutually guaran- The French alliance teed; and it was agreed that peace with England should be made only after consultation and approval by both allies.<sup>1</sup>

France drew Spain in her train; and, soon after, England quarreled with Holland. Without an ally, England found herself facing not merely her own colonies, but the three greatest naval powers of the world (next to herself), while most of the rest of Europe, under the lead of Russia, held toward her an attitude of "armed neutrality" — which meant instant readiness for hostility.

In America, however, the darkest months of the war were those between the victory over Burgoyne and the news of the French alliance. The first flush of enthusiasm The dark days in '78 was spent. The infamous Conway Cabal (among officers and Congressmen) threatened to deprive the country of Washington's services. Nearly a fifth of the starving army deserted to the well-fed enemy in Philadelphia, and another fifth could not leave their winter huts for want of clothing. Washington himself, as his private letters show, was so depressed by "the spirit of disaffection" in the country that he felt "the game is pretty near up." The paper money, issued by Congress in constantly increasing volume — the chief means of paying the soldiers and securing supplies — was nearly valueless. Foreign trade was impossible because England commanded the sea; and domestic industry of all sorts was at a standstill because of the demoralization of the currency. To large numbers of patriots, even the news of the new ally was of doubtful cheer. Many began to fear that they had only exchanged the petty annoyances

<sup>1</sup> Large sections of the French people felt a genuine enthusiasm for America, but to the despotic French government the alliance was purely a "League of Hatred." Especially did the French government fear that if England and her colonies again united, they would do away with all occasion for the troublesome "Sugar Act" by seizing the French West Indies. Spain and Holland were never *our* allies; they were the allies of France. The treaty with France is the *only* alliance America has ever formed.



of English rule for the slavery of French despotism and of the Spanish Inquisition.

Two results of the French treaty followed close upon its announcement. (1) The English general was ordered to evacuate Philadelphia and concentrate forces at New York. The watchful Washington was close upon the rear of the retreating army, but at Monmouth his strategy and dash were again robbed of the fruit of victory, — this time by the misconduct or treason of General Charles Lee. (2)

Lord North sent commissioners to America with an "olive branch" proposition: all the contentions of the Americans, previous to July 4, 1776, would be granted, together with a universal amnesty, if they would return to their allegiance. By a unanimous vote, Congress refused to consider propositions "so derogatory to the honor of an independent nation."

In the northern states no British army of consequence again appeared in the field; and Washington's forces there were small. Except for minor operations, the war was transferred to the South, with swift alternations of success and failure through 1779 and 1780. In both North and South, after the summer of '78, the struggle took on a new character. It became a "war of desolation," — a succession of sudden raids, to harry and distress a countryside or to burn a town or port, varied by occasional bloody and vindictive combats like those at *Cowpens* and *King's*

*Mountain*. A terrible feature of some of these raids was the use of Indian allies by the English. But it must be remembered that the Americans had first tried to secure such allies. Both Washington and John Adams had favored their enlistment. Montgomery had some Indians in the army with which he invaded Canada, and there were a few in the American army besieging Boston in 1775. It had been intended to use the friendship of the natives for the French in order to draw them into a force under Lafayette. The simple fact is that Indians had been used by both sides in America in all the inter-

Lord North's  
"olive  
branch"  
refused

The war in  
'79-'80

The English  
use of  
Indian  
allies

colonial wars, and both parties in this new contest continued their use so far as possible; but the natives saw truly that the real enemy of their race was the American settler, and therefore turned against him.

✓ The Loyalists who had been driven from their homes in Boston and Philadelphia with the retirement of the British forces, together with those living near the British <sup>The</sup> stronghold of New York, enrolled themselves in <sup>Loyalists</sup> large numbers under the English flag. New York State alone furnished 15,000 recruits to the English army, besides 8000 more Loyalist militia. At some important periods, more Americans were under arms against independence than for it. Because of their knowledge of the country, these Tory troops were used freely in harrying expeditions. In consequence, the attitude of the Whig governments, State and local, toward even the *passive* sympathizers with England, became ferocious. Those unhappy men who had long since been deprived of their votes were now excluded from professions and many other employments, forbidden to move from place to place, ruined by manifold fines, drafted into the army, imprisoned on suspicion, sometimes deported with their families in herds to distant provinces, and constantly exposed to the most horrible forms of mob violence. If they succeeded in escaping to the British lines, their property was confiscated (oftentimes to enrich grafting speculators at corruptly managed sales), and they themselves, by hundreds at a time, were condemned to death in case of return or recapture, — not by judicial trials, but, without a hearing, by bills of attainder.<sup>1</sup> In 1778 Massachusetts, by one Act, banished 310 "peaceful" Tories. More than sixty of these were Harvard graduates, and the list, says the

<sup>1</sup> A "bill of attainder" is a legislative act imposing penalties upon one or more individuals. The legislature condemns, not the courts: and of course the accused lose all the ordinary securities against injustice. Such bills had been used occasionally in English history. By our constitution of 1787, bills of attainder are wholly forbidden. Until the adoption of that instrument, however, many States did pass such bills against prominent Tories, — sometimes against great numbers of them at once. An attempt was made in the Virginia bill of rights to prohibit such bills; but Patrick Henry urged that they might be indispensable in that time of war. Some States did incorporate the prohibition in their first bill of rights.

sturdy American, Moses Coit Tyler, reads "like the bead-roll of the oldest and noblest families concerned in the founding and upbuilding of New England civilization."

Seemingly, the war had settled down to a test of endurance. Campaigns in Europe and the West Indies drained England's resources, glorious though the results were to her arms against those tremendous odds. Meantime, in America, Congress kept its sinking finances afloat by generous gifts and huge loans from France. The army, however, was dangerously discontented. Desertions to the enemy rose to a hundred or two hundred a month.

Suddenly an unexpected chance offered. Washington, ever ready, grasped at it, and this time no evil fate intervened. With the indispensable coöperation of the French army and fleet, Cornwallis and his army were cooped up in Yorktown. With his surrender (October 19, 1781) war virtually closed, though peace was not signed for many months.

While peace negotiations dragged along in Europe, came one more famous episode in America. This was *Washington's* "Newburg Address." The pay of the army was years behind, and Congress showed no wish to settle the matter. Taking advantage of the soldiers' bitter discontent, a group of officers in the camp at Newburg formed a plan to get better government by making Washington king. This proposition Washington at once repulsed, with grieved anger; but still an anonymous committee called a meeting of officers to find some way of forcing Congress to act while the army still had arms in their hands. A conflict that would have sullied the beginning of the new nation's career was averted only by the tact and unrivaled influence of Washington. He anticipated the meeting of the officers by calling an earlier one himself, at which he prevailed upon their patriotism to abandon all forms of armed compulsion; and then he finally induced Congress to pay five years' salary in government *certificates*, worth perhaps twenty cents on the dollar, — a meager return, but perhaps all that the demoralized government was equal to.

The capture  
of Corn-  
wallis

Washington  
at Newburg







## IV. THE PEACE TREATY OF 1783

The negotiations for peace were carried on from Paris, with Franklin, John Jay, and John Adams to represent the United States. In spite of King George, the fall of Yorktown overthrew Lord North's ministry; <sup>Peace ne-</sup><sup>gotiations</sup> and the new English government contained statesmen friendly to America, such as Fox, Rockingham, and Shelburne (page 183). This fact and the remarkable ability of the American negotiators resulted in a treaty marvelously advantageous. England could not well avoid conceding American independence, but Shelburne meant to do it in generous fashion. He intended not merely peace, he said, but "reconciliation with America, on the noblest terms and by the noblest means."

The critical question concerned territory. Just before the war (1769), a few Virginians had crossed the western mountains to settle in fertile lands between the Ohio and Cumberland rivers, in what we now call Ken- <sup>The signif-</sup><sup>icance of the</sup><sup>"West"</sup> tucky and Tennessee; and, during the war itself, many thousands had established homes in that region. From the Kentucky settlements, *George Rogers Clark*, a Virginia officer, in incredibly daring campaigns (1778-1779), had captured from England the old French posts Kaskaskia and Cahokia, on the Mississippi, and Vincennes on the Wabash. While preparing for this expedition in 1777, Clark had received a letter of encouragement from Thomas Jefferson, who, even so early, felt keenly the importance of the West. "Much solicitude," he wrote, "will be felt for the outcome of your expedition. . . . If successful, it will have an important bearing in establishing our northeastern boundary." This prophecy was now fulfilled. The conquered district contained only French settlers, but it had been organized, like Kentucky, as a Virginia county. The Americans, therefore, had ground for claiming territory to the Mississippi, and such extension of territory was essential to our future development. England, however, at first expected us to surrender this thinly settled western region in return for the



evacuation of New York, Charleston, and other cities still held by her armies. Moreover, France and Spain secretly intended that the treaty should shut up our new nation between the Atlantic and the Appalachians, leaving the southwest to Spain and the Indians, and handing back to England the northwest, which legally had been part of Canada (note on page 201). By the treaty of 1778, we were bound to make no peace *without the consent of France*, and our commissioners had been strictly instructed by Congress *to act only with the advice of Vergennes*, the French minister. But Jay and Adams suspected Vergennes of bad faith, and finally persuaded Franklin to disregard the instructions. France had no desire to injure America, but she had no objection to leaving it helpless and dependent upon her favor; and she did wish to satisfy her ally Spain, whom she had dragged into the war. The story goes that, while Franklin and Jay were discussing the situation, Franklin asked in surprise, "What! would you break your instructions?" "As I break this pipe," said Jay, throwing his pipe into the fireplace. Franklin had rendered incalculable diplomatic service to his country, but his long and intimate relations with the French government had unfitted him for an independent course in this crisis. At all events, with patriotic daring, the American commissioners did enter into *secret* negotiations with England, and secured terms which Vergennes could not well refuse to approve when the draft of the treaty was placed before him.

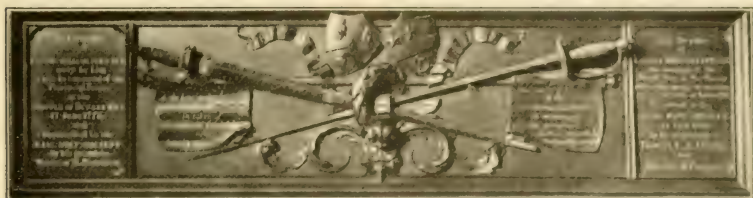
France  
means to  
leave the  
West to  
England

American  
negotiators  
secure the  
"West"

By this *Treaty of 1783*, England acknowledged the independence of the United States, with territory reaching to the Mississippi, and from the Great Lakes to Florida. She gave up without consideration, not only the sea-coast cities she held, but also the Northwest posts, which had never been seen by an American army. She also granted to the Americans the right to share in the Newfoundland fisheries, from which other foreign nations were shut out. In return, the American Congress recommended to the various States a reasonable treatment of the Loyalists, and promised

The Treaty

solemnly (a matter which should have gone without saying) that no State should interpose to prevent Englishmen from recovering in American courts the debts due from Americans before the war. No wonder that the chagrined Vergennes wrote: "The English buy the peace, rather than make it. . . . Their concessions regarding boundaries, fisheries, and the Loyalists exceed anything I had thought possible." The American negotiators told the English commissioners frankly that the "recommendation" regarding the Loyalists



THE SWORDS of Colonel William Prescott and Captain John Linzee, who fought on opposite sides at Bunker Hill. A grandson of Prescott and a granddaughter of Linzee married, and the offspring of this marriage mounted the swords in this way "in token of international friendship and family alliance." They are now in the rooms of the Massachusetts Historical Society.

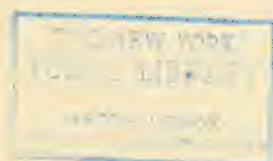
would carry no weight. England herself afterwards appropriated large sums of money to compensate partially that unfortunate class of exiles.

The territorial advantages, however, were not fully enjoyed by the United States for some twelve years. When the English forces evacuated the American seaports, they carried away a few hundred Negroes, who, they claimed, had become free by aiding them during the war, and whom they would not now surrender to their old masters. The American State governments made this a pretext for deliberately breaking one of the most reasonable articles of the treaty, — that regarding British debts. Despite the pledged faith of the central government, State after State passed laws to prevent the collection of such debts in their courts. Meantime, the Americans had not at first been ready to take over the posts on the Great Lakes; and when they desired to do so, England refused to surrender them, because of these infractions of the treaty.

The "Revolution" covers twenty years, twelve of wrangling and eight of war (1763-1775, 1775-1783). It created the first American state. It helped to make the colonial policy of all European countries more enlightened. It "laid the foundation for the French Revolution," as Arthur Young said in 1789, and so helped modify profoundly the internal character of Europe. It helped tremendously to start England herself — a little later — on her splendid march toward democracy. Whatever their blunders, the Americans had "warred victoriously for the right in a struggle whose outcome vitally affected the whole human race." With a generosity possible only to a great people, the English have long recognized this truth, and, with amazing frankness and emphasis, have taught it to their children even in the elementary schools for forty years past. This is why the last two generations of Englishmen have been so much more friendly toward America than most Americans are toward England — until during the World War they came to adopt July Fourth quite as an English red-letter day, celebrating it in regular American fashion.

Perhaps it is a trifle easier for Englishmen to do this because after all England came out of the Revolutionary War with military glory little tarnished. She had been fighting all Europe as well as America, and only in America had the struggle gone against her. Says Theodore Roosevelt: "England, hemmed in by the ring of her foes, fronted them with a grand courage. In her veins the Berserker blood was up, and she hailed each new enemy with grim delight. Single handed, she kept them all at bay. . . . So with bloody honor, she ended the most disastrous war she had ever waged."







## PART IV — THE MAKING OF THE SECOND WEST

*The West is the most American part of America. . . . What Europe is to Asia, what England is to the rest of Europe, what America is to England, — that the western States and Territories are to the eastern States. —*  
JAMES BRYCE.

### CHAPTER XII

#### THE SOUTHWEST: SELF-DEVELOPED

THE land between the Appalachians and the Mississippi had passed from France to England in 1763 (page 137). Some six thousand French settlers remained in the district, in three nearly equal groups: (1) about The West  
from 1763  
to 1774 Detroit; (2) near Vincennes; (3) at the "Mississippi towns," Kaskaskia and Cahokia. For several years more these were the only White settlers. The whole district had been included in old grants to the seaboard colonies. But as soon as England got control, a *Royal Proclamation forbade English speaking colonists to settle west of the mountains, and instructed colonial governors to make no land-grants there;* and in 1774 parliament annexed the territory, as far south as the Ohio, to the old French province of Quebec (page 201, note). The government dreaded Indian wars — sure to follow the advance of the frontiersman — and it was influenced by commercial companies that wished to keep the vast Mississippi valley as a fur trade preserve.

But even had England remained in control, the attempt to shut out English-speaking settlers was doomed to certain failure. How the Scotch-Irish and Germans had made a first "West" in the long valleys of the Appalachians soon after 1700 has been told. A half century or so later their Americanized sons and grandsons were ready to make a greater and truer West in the eastern half of the valley of the



Mississippi. Those restless border farmers had begun to feel crowded in their narrow homes. For some years, stray hunters, who had ventured as far west as the great river, stirred the Appalachian frontier with romantic stories of the wonders and riches of the vast central basin, and just before the Revolution a few hardy families pushed the line of American settlement across the mountains.

This movement into the second "West" (the Southwest) grew all through the Revolution. It is natural for us to think of the years 1775-1783 as given wholly to patriotic war for *political* independence. But during just those years thousands of earnest Americans turned away from that contest to win *industrial* independence for themselves and their children beyond the mountains. While the old Atlantic sections were fighting England, a new section sprang into being, fighting Indians and the wilderness.

Until the peace of 1783, settlement penetrated only into the "dark and bloody ground" between the Ohio and its southern branches. This district had long been a famous hunting ground, where Indians of the north and of the south slew the bison and one another. Frequent war parties flitted along its trails, but no tribe claimed it for actual occupation. So here lay the line of least resistance to the on-pushing wave of settlement.

In 1769 a few Virginia frontiersmen moved their families into the valley of the Watauga, one of the headwaters of the Tennessee. They thought themselves still in Virginia, and in the spring of 1771 they were joined by fugitive Regulators from North Carolina.

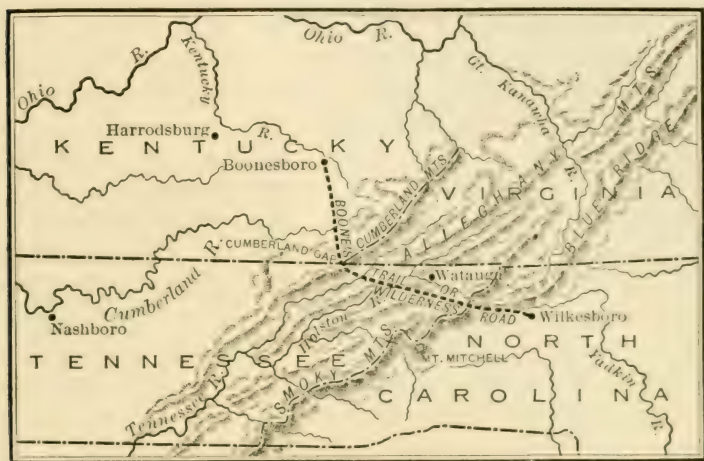
The same summer, however, a surveyor ran out the southern boundary of Virginia and found that Watauga lay in territory claimed by North Carolina. That colony was in no condition to care for so inaccessible a section, nor would the Watauga settlers submit to her rule. Instead they set up for themselves. Communication with Virginia was possible, because the long valleys trending to the northeast ran near together as they entered that State. But a hundred

Settlement  
of the  
Southwest  
during the  
Revolution

The "dark  
and bloody  
ground"

The  
Watauga  
settlement,  
1769

miles of forest-clad mountains, without a trail fit even for a pack horse, divided Watauga from the nearest settlements in North Carolina. Watauga itself lay with mountains to the west, as well as to the east; but its water communication



WESTERN SETTLEMENT, 1769-1784.

with the Mississippi justifies us in regarding it as part of the land "west of the mountains."

Two leaders stand forth in this westward movement into Tennessee, — *James Robertson* and *John Sevier*. Robertson was a mighty hunter who had spied out the land to find a better home for his family. A backwoodsman born, a natural leader with splendid qualities of heart and head, he had learned "letters and to spell" after marriage, from his wife. Sevier was a "gentleman" of old Huguenot family and of some culture. He was the most dashing figure of the early frontier, — a daring Indian fighter and an idolized statesman among his rough companions, well portrayed in Churchill's *The Crossing*.

James  
Robertson  
and John  
Sevier

*The essential thing about Watauga, however, was not its leaders, but the individuality and democracy of the whole population.* Immigrants came in little groups of families, those from Carolina by a long detour through Virginia. No

wagon roads pointed west; and it was a generation more before the white, canvas-covered wagon (afterward familiar as the "prairie schooner") became the token of the immigrant. At best, the early Southwest had only dim and rugged trails through the forests ("traces" blazed by the hatchet on tree trunks). Along such trails, men, rifle always in hand, led pack horses loaded with young children and a few necessary supplies; while the women and older children drove the few lean cattle.

By 1772 the settlers were grouped about thirteen "stations." A "station" was a stockaded fort such as is shown on page 166. One side was formed by a row of log huts, facing in. The remaining sides, with a log "blockhouse" at each corner, were a close fence of hewn "pickets," considerably higher than a man's head, driven firmly into the ground and bound together. Within were supply sheds for a short siege, and sometimes a central and larger blockhouse, — a sort of inner "keep." Stockade and blockhouses were loopholed at convenient intervals for rifles, and, except for surprise or fire, such a fort was impregnable against any attack without cannon.

The fort, however, was only for times of extraordinary danger. Ordinarily, the families lived apart, each in its log cabin upon its own farm. The holdings were usually of from four hundred to a thousand acres; but for many years they remained forest-covered, except for a small stump-dotted "clearing," about each cabin. The clearings nearest one another were often separated by miles of dense primitive forest. At an alarm of Indians, all families of a "station" abandoned these scattered homes and sought refuge within the stockade. In more peaceful times, "neighbors," from many miles around, gathered to a "house-raising" for a newcomer or for some one whose old home had been destroyed by fire. The two qualities that especially characterized this new West, says Theodore Roosevelt, were "*capacity for self-help and capacity for combination.*"



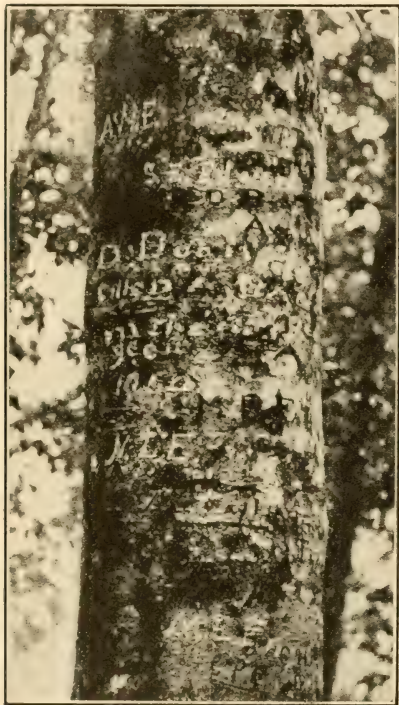
In the spring of 1772 the men of the thirteen forts gathered at Robertson's station in mass meeting, to organize a government. This meeting adopted *Articles of Association*, — "a written constitution, *the first ever adopted west of the mountains, or by a community of American-born freemen.*" (The Fundamental Orders of Connecticut had been formed, of course, by *English-nurtured* men.) Manhood suffrage and absolute religious freedom were main features of this social compact, — amazing facts when we remember how far short of such democracy fell the Revolutionary constitutions of the Eastern States four or five years later. A representative convention of thirteen, one from each station, chose a "court" of five members who formed the government. This body of commissioners held regular meetings and managed affairs with little regard for legal technicalities, but with sound sense. For six years Watauga was an independent political community. Then, in 1778, when the Revolution had reformed North Carolina, Watauga recognized the authority of that State and became Washington County.

*The second group* of Western settlements — almost as early as Watauga — *was made in Kentucky.* Among the many daring hunters and Indian fighters, who, preceding settlement, had ventured from time to time into the bloody Indian hunting grounds south of the Ohio, Daniel Boone was the most famous. As early as 1760, Boone hunted west of the mountains; and in 1769 (the year Watauga was founded) he went on a "long hunt" there with six companions. After five weeks' progress through the forest stretching continuously from the Atlantic, this little party broke through its western fringe and stood upon the verge of the vast prairies of America. They had come to the now famous "blue-grass" district of Kentucky. Hitherto (except for petty Indian clearings) American colonists had had to win homes slowly with the ax from the stubborn forest. Now before the eyes of these explorers there spread away a lovely land, where stately groves and running waters intermingled with rich open prairies and grassy meadows,

"The  
Watauga  
Associa-  
tion"

Daniel  
Boone in  
Kentucky

inviting the husbandman to easy possession and teeming with game for the hunter, — herds of bison, elk, and deer, as well as bear and wolves and wild turkey, in abundance unguessed before by English-speaking men. The prairies proper, even when reached, did not at first attract settlers. The lack of fuel and often of water more than made up for the difficulty of clearing forest land. But Kentucky offered a happy mixture.



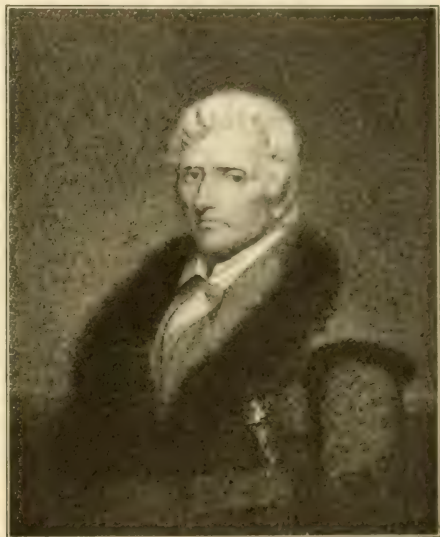
A "BOONE TREE," on Boone's Creek, Tennessee. The inscription reads: D. Boon cilled A Bar on this tree year 1760.

In the following months, hard on the trail of the hunters, followed various small expeditions of backwoods surveyors and would-be settlers, in spite of frequent death by the scalping knife and at the stake. Very soon the colonist learned that the Woods Indian of the West — armed now almost as well as the Whites — was a far more formidable foe than the weak tribes of the coast had been. But the colonist of 1770, too, was a far more effective forest fighter than the English settler of 1620, and was not affrighted. In

particular, Boone returned again and again, and, in 1773, he sold his Carolina home, to settle in the new land of promise. His expedition was repulsed, however, by a savage Indian attack, and the next year the opening of a great Indian War along the Virginian and Pennsylvania border drove every settler out of Kentucky.

"Lord Dunmore's War," 1774

This was "*Lord Dunmore's War*." Without provocation, a dastard White trader had murdered the helpless family of Logan, a friendly Iroquois chieftain. In horrible retaliation a mighty Indian confederacy was soon busied with torch and tomahawk on the western frontiers. Pennsylvania suffered most, and the dilatory government there did little to protect its citizens. Virginia, however, acted promptly. To crush the confederacy she sent an army far beyond her line of settlement, into the distant Northwest,—where she claimed jurisdiction, though parliament had just annexed the territory to Quebec (page 201). This Virginian force was composed chiefly of hardy frontier riflemen, with deerskin hunting shirts for uniform, but, by a curious contrast, it was led by an English earl, the royal governor, Lord Dunmore.



DANIEL BOONE at 85 (in 1819), when he had moved on to frontier Missouri. From a portrait by Chester Harding, now in the Filson Club, Louisville, Kentucky.

The rear division of the army, when about to cross the Ohio at the mouth of the Kanawha, was surprised, through the splendid generalship of the Indian leader Cornstalk, by the whole force of the natives; but, after a stubborn pitched battle, the frontiersmen won a decisive victory. This *Battle of the Great Kanawha* is as important as any conflict ever waged between Whites and Redmen. Says Theodore Roosevelt: "It so cowed the northern Indians that for two or three years they made no *organized* attempt to check the White advance. . . . [It] gave opportunity for Boone to settle in Kentucky and,

Battle of  
the Great  
Kanawha



therefore, for Robertson to settle Middle Tennessee, and for Clark to conquer Illinois and the Northwest. *It was the first link in the chain of causes that gave us for our western boundary in 1783 the Mississippi and not the Alleghenies.*"

Permanent settlement in central Kentucky began the next spring (1775). For a few months it had the form of a proprietary colony. A certain Henderson, a citizen of North Carolina, bought from the southern Indians their rights to a great tract in central Kentucky and Tennessee. He named the proposed colony *Transylvania*, and secured Boone as his agent. In March and April, Boone and a strong company marked out the *Wilderness Road*<sup>1</sup> and began to build "Boone's Fort" (p. 166). Henderson soon arrived with a considerable colony. But the Revolution ruined all prospect of English sanction for his proprietary claims, and Virginia firmly asserted her title to the territory. Henderson soon passed from the scene; and, in 1777, Kentucky, with its present bounds, was organized as a county of Virginia.

Kentucky already contained several hundred fighting men, and now it became the base from which George Rogers Clark conquered the Northwest (page 233). Before the close of the Revolution, Kentucky's population exceeded 25,000; and when peace made Indian hostility less likely, a still larger immigration began to crowd the Wilderness Road and the Ohio.

Meanwhile Watauga had become a mother of a still more western colony. Population had increased rapidly, and some of the earlier "forts" had grown into straggling villages. At the end of ten years, this region was no longer a place for frontiersmen; and, in 1779, Robertson, with some of his more restless neighbors, migrated once more to a new wilderness

The Cumberland settlements, 1779

<sup>1</sup> This famous Wilderness Road was for many years merely a narrow bridle path, through the more passable parts of the forest and across the easiest fords, leading two hundred miles from the Holston River (near Watauga) into central Kentucky. In the worse places the thick underbrush was cut out; but much of the time only *the direction* was blazed on trees.

home in west-central Tennessee, on the bend of the Cumberland.

These "*Cumberland settlements*" were the third group of English-speaking colonists in the Southwest. Population thronged into the fertile district, with the usual proportion of undesirable frontier characters; and the settlers found it needful at once to provide a government. May 1, 1780, a convention of representatives at Nashboro adopted a constitution, — which, however, was styled by the makers merely "*a temporary method of restraining the licentious.*" A few days later, this "social compact" was signed by every adult male settler, 256 in number. It provided for a court of twelve "judges," chosen by *manhood suffrage* in the several stations. If dissatisfied with its representative, a station might *at any time* hold a new election (the modern "recall"). Like the early Watauga "commissioners," the "judges" exercised all powers of government. The constitution, however, expressly recognized the right of North Carolina to rule the district when she should be ready; and in 1783 that State organized the Cumberland settlements into Davidson County.

A year later (1784) North Carolina ceded her western lands to the Continental Congress. The Westerners complained loudly that the mother-State had cast them off, and that the dilatory Congress was not ready to accept them. The three counties of eastern Tennessee (about Watauga) now numbered 10,000 people. August 23, 1784, a representative convention of forty delegates declared this district an independent State with the name Frankland ("Land of the Free"). A later convention adopted a constitution, and a full state government was set up, with Sevier as governor. But North Carolina "repealed" her cession (Congress not having acted); and after some years of struggle that rose even into war, she succeeded in restoring her authority over the district. (The first legislature of Frankland fixed a currency "in kind": a pound of sugar was to pass as one shilling; a fox or raccoon skin for two shillings; a gallon

The  
"State"  
of Frank-  
land

of peach brandy for three shillings, and so on. Easterners laughed contemptuously at this "money which cannot be counterfeited," forgetting how their fathers had used like currency.)

For some years, only feeble ties held the Western settlements to the Atlantic States. The men of the West made continuous efforts for Statehood; but these efforts were opposed both by Virginia and North Carolina and also by Congress. Then, at one time or another, in each of the three groups of settlements, these legitimate attempts merged obscurely into less justifiable plots for complete separation from the Eastern confederacy. For even this extreme phase of the movement, there was great provocation in the gross neglect shown by the East toward pressing needs in the West. The older States had just rebelled against the colonial policy of Great Britain, but they showed a strong inclination to retain a selfish policy toward their own "colonies." Even in the matter of protection against Indians, they hampered the frontier without giving aid. The Westerners made many petitions (1) to control directly their own militia; (2) to be divided into smaller counties — with courts more accessible; and (3) to have a "court of appeal" established on their side of the mountains. Many a poor man found legal redress for wrong impossible because a richer opponent could appeal to a seaboard supreme court. These reasonable requests were refused by North Carolina, and granted only grudgingly by Virginia. More distant Eastern communities, too, notably New England, manifested a harsh jealousy of the West.

*In particular the East long neglected to secure for the new West the right to use the lower Mississippi.* For nearly all its course, one bank of the Mississippi was American; but, by the treaties of 1783, toward the mouth both banks were Spain's. According to the commercial policy of past ages, Spain could close against us this commercial outlet. But the surplus farm produce of the West could not be carried to

Separatist  
tendencies  
in the West

Eastern  
neglect and  
jealousy

The demand  
for the  
mouth of  
the Mis-  
sissippi



the East over bridlepaths. Without some route to the outside world, it was valueless; and the only possible route in that day was the huge arterial system of natural waterways to the Gulf. So, from the first, the backwoodsmen floated their grain and stock in flatboats down the smaller streams to the Ohio, and so on down the great central river to New Orleans. They encountered shifting shoals, hidden snags, treacherous currents, savage ambuscades, and the hardships and dangers of wearisome return on foot through the Indian-haunted forests. These natural perils the frontiersman accepted light-heartedly; but he was moved to bitter wrath, when — his journey accomplished — fatal harm befell him at his port. He had to have "right of deposit" at New Orleans, in order to reship to ocean vessels. Spanish governors granted or withheld that privilege at pleasure — to extort bribes or gratify a grudge.

Our government showed little eagerness in this life-or-death matter; but the West seethed with furious demands for possession of the mouth of the Mississippi. How to get it mattered little. The Westerners would help Congress win it from Spain; or they were ready to try to win it by themselves, setting up, if need be, as a separate nation; or some of them were ready even to buy the essential privilege by putting their settlements under the Spanish flag. The last measure was never discussed publicly; but Sevier, Robertson, and Clark were all at some time concerned secretly in dubious negotiations with Spanish agents. American nationality was just in the making. It was natural for even good men to look almost exclusively to the welfare of their own section, and the action of these great leaders does not expose them to charges of lack of patriotism in any shameful sense, — as would be the case in a later day. These men must not be confounded with a fellow like General Wilkinson, who *while an American officer*, took a pension from Spain for assisting her interests in the West. Still it was well that, about 1790, they were <sup>Statehood</sup> pushed aside by a new generation of immigrants, <sup>secured</sup> who were able to "think continentally." Virginia and

North Carolina, too, were finally persuaded to give up their claims. In 1792 Kentucky became a State of the Union, and, four years later, Tennessee was admitted. The remaining lands south of the Ohio that had been ceded by that time to the United States were then organized as the *Mississippi Territory*.

## CHAPTER XIII

### THE NORTHWEST: A NATIONAL DOMAIN

THE Southwest, we have seen, was a *self-developed* section. Except for Henderson's futile project, there was no paternalism. No statesman planned its settlements; no general directed the conquest of territory; no older government, State or Federal, fostered development. The land was won from savage man and savage nature by little bands of self-associated backwoodsmen, piece by piece, from the Watauga to the Rio Grande, in countless bloody but isolated skirmishes, generation after generation. *Settlement preceded governmental organization.*

In the Northwest, settlement did not begin until after the Revolution, and *government preceded settlement.* The first colonists found (1) territorial divisions marked off, and the form of government largely determined; (2) land surveys ready for the farmer; and (3) some military protection. All this was arranged in advance by the national government. This child of the nation, therefore, never showed the tendencies to separatism which we have noted in the Southwest.

Six States could make no claim to any part of the West, — Maryland, Pennsylvania, Delaware, New Jersey, New Hampshire, and Rhode Island; and the title of South Carolina applied only to a strip of land some twenty miles wide. But, as soon as the Revolution began, the other six States reasserted loudly old colonial claims to all the vast region between the mountains and the Mississippi. They planned to use these lands, too, in paying their soldiers and other war expenses, while the small States taxed themselves in hard cash for the war which was to win the territory from England.

Government  
precedes  
settlement

Conflicting  
claims to  
Western  
territory



North of the Ohio, too, the claims were *conflicting*. Virginia claimed *all* the Northwest, under her old charter, and she had done much to give real life to this weak title by taking steps toward actual possession — in Dunmore's War and in Clark's conquest of Illinois, and, from 1779 to 1784, by governing the district from Vincennes to Kaskaskia as the County of Illinois. New York also claimed all the Northwest, but by the slightest of all titles. The *middle third* of the Northwest was claimed also by both Massachusetts and Connecticut on the basis of their ancient charters.

The Maryland doctrine: a common territory, to be made into new States

While opposing these "large State" claims, Maryland *invented a new and glorious colonial policy for America*, and, standing alone through a

stubborn four-year struggle, she forced the Union to adopt it. As early as November, 1776, a Maryland Convention set forth this resolution:—

"That the back lands, claimed by the British crown, *if secured by the blood and treasure of all*, ought, in reason, justice, and policy, to be considered *a common stock, to be parcelled out by Congress into free, convenient, and independent Governments, as the wisdom of that body shall hereafter direct.*"

A year later, since Congress had failed to adopt this policy, Maryland made it a condition without which she would not ratify the Articles of Confederation. By February, 1779, every other State had ratified, but by the terms of the Articles, that constitution could not become binding until ratified by each one of the thirteen States. Further delay was in many ways perilous to the new Union; and other States charged Maryland bitterly with lack of patriotism. Virginia, in particular, insinuated repeatedly that the western lands were only an "ostensible cause" for her delay. With clear-eyed purpose, however, the little State held out, throwing the blame for delay where it belonged, — on Virginia and the other States claiming the West. At this time Thomas Paine performed one more great service to America. Though a citizen of Virginia, he published a







valiant plea for the Maryland plan — and lost his chance for a grant of lands, — all that stood between him and poverty.

Public opinion gradually shifted to the support of the view so gallantly championed by Maryland; and *October 10, 1780, the Continental Congress formally pledged the Union to the new policy.* A Congressional resolution solemnly urged the States to cede the western lands to the central government, to be disposed of “for the common good of the United States.” The resolution guaranteed also that all lands so ceded would be “formed into separate republican States, which shall become members of the federal union and have the same rights of freedom, sovereignty, and independence as the other States.”

Congress  
pledges  
faith to  
this policy

This completed the American plan of colonization. Previously, the world had known only two plans: Greek and Phœnician colonies became *free* by separating at once from the mother cities; the seventeenth and eighteenth century colonies of European countries had remained *united* to the mother countries, but in a condition of humiliating dependence. For the United States Maryland had devised a new plan *combining* permanent *union* with *freedom*. This great political invention was peculiarly adapted to a *federal* union, such as America was then forming.

New York had already promised to give up her western claims, and now Connecticut promised to do likewise. In January, 1781, Virginia's promise followed, for the lands north of the Ohio. The formal deeds of cession were delayed by long negotiations over precise terms, but the general result was now certain. Maryland had won. Accordingly (March 1, 1781), she ratified the Articles. That constitution at last went into operation, — and the new confederacy possessed a “national domain.”

Kentucky remained part of Virginia until admitted into the Union as a State in 1792; and Virginia did not actually cede the Northwest until 1784, — retaining then the “Military Reserve”

(a triangular tract of several million acres just north of the Ohio) wherewith to pay her soldiers. Connecticut completed her cession in 1785, and Massachusetts made hers in 1786. Connecticut retained 3,250,000 acres south of Lake Erie, as a basis for a public school fund. This district was soon settled largely by New Englanders, and was long known as "The Western Reserve"; but in 1800, when Connecticut had sold her property in the lands, she granted jurisdiction over the settlers to the United States. North Carolina ceded Tennessee in 1790, and South Carolina had given up her little tract three years earlier; but Georgia clung to her claims until 1802.

It was now up to Congress to make good its promise in the resolution of October, 1780. Accordingly, when Thomas Jefferson, as a Virginia delegate in Congress, presented to that body Virginia's final cession, he also proposed a plan of government for all territory "ceded or to be ceded." This plan was soon enacted into law and is commonly known as the *Ordinance of 1784*.

Jefferson supposed that the States would complete their cessions promptly. Accordingly, the Ordinance of 1784 cut up *all* the western territory into fourteen proposed States, — Michigania, Metropotamia, Polypotamia, Assenisipia, and so on. As in all our later organization of Territories, certain provisions were to be made a *matter of compact* between each new State and the United States; and a remarkable attempt was made to exclude slavery from all the Western territory after the year 1800. This provision, however, received the votes of only six States, and so failed of adoption. Virginia (in spite of Jefferson) and South Carolina voted No; North Carolina was "divided" and so not counted; New Jersey, Delaware, and Georgia were absent. Jefferson stated later that, but for the sickness of a delegate from New Jersey, that State would have been present and in the affirmative; so that the proposition "failed for want of one vote."

In 1787 the Ordinance of 1784 was replaced by the great

Northwest Ordinance. During the three years which had passed since the adoption of the first ordinance, there had been no district in the ceded territory populous enough to organize under the law. Meantime, some parts of the East had begun to look jealously at the prospect of so many new States, to outvote the Atlantic section in Congress. Congress, therefore, appointed a committee to prepare a new plan of organization, with view particularly to reducing the number of future States.

There was also another thread to the story. In 1786 a number of New England Revolutionary soldiers had organized a "company of associates," to establish themselves in new homes on the Ohio. Early in 1787 this *Ohio Company* sent the shrewd Manasseh  
Cutler and  
the Ohio  
Company Manasseh Cutler (one of their directors) to buy a large tract of western land from Congress. Cutler found the proposed Territorial ordinance under discussion. Negotiations for the land deal and for the new Territorial law (under which the settlers would have to place themselves) became intermingled. Cutler proved an adroit lobbyist. On one occasion he had to frighten the hesitating Congress into action by pretending to take leave; but finally both measures were passed. The Ordinance, with a number of new provisions satisfactory to the New Englanders, became law on July 13. A few days later the land sale was completed.

The Ohio Company bought for itself 1,500,000 acres, at "two-thirds of a dollar an acre." Payment was accepted, however, in depreciated "certificates" with which Congress had paid the Revolutionary soldiers, so that the real cost was only eight or nine cents. Unhappily, the purchase was carried through by connecting it with a "job." Influential members of Congress, as the price of their support, induced Cutler to take, at this rate, not merely the million and a half acres which he wanted, but also three and a half million more, which were afterward privately transferred to another "company" composed of these congressmen and their friends.



This taint of graft, of course, had nothing to do with the ordinance for organizing the territory. The "Northwest Ordinance" (so-called because, unlike its predecessor, it applied only to the territory *north* of the Ohio) has been styled second in importance only to the Declaration of Independence and the Constitution. Under it, the new type of American "colony" ("territory") was first actually established. Not less than three, nor more than five states were to be formed from the region, but, until further Congressional action, the whole district was to be one unit. Until the district should contain five thousand free *male* inhabitants, there was *no self-government*. Congress<sup>1</sup> appointed a "governor" and three "judges." The governor created and filled all local offices; and governor and judges together selected laws suitable for Territorial needs from the codes of older States, — subject, however, to the veto of Congress. When the population had risen to the specified point, there was to be a two-House legislature, — a *House of Representatives* elected by the people, and a *Legislative Council* of five men selected by Congress from ten nominated by the Territorial lower House. This legislature was to send a Territorial delegate to Congress, with right to debate but not to vote. The governor, still appointed by Congress, had an *absolute veto* upon all acts of the legislature and controlled its sittings, calling and dissolving sessions at will. Thus, in this stage, the inhabitants had about the same amount of self-government as in a royal province before the Revolution. But the characteristic American idea appeared in the following words: "Whenever any of the said States shall have sixty thousand free inhabitants, such State shall be admitted, by its delegates, into the Congress of the United States, *on an equal footing with the original States in all respects whatever*, and shall be at liberty to form a permanent constitution and State government."

<sup>1</sup> This law was passed, of course, by the Continental Congress. After the adoption of the Constitution, the next year, many powers here given to Congress were transferred to the President of the United States.

Then followed six articles, "for extending the fundamental principles of civil and religious liberty . . . [and] to . . . establish those principles as the basis of all . . . Its " bill governments which forever hereafter shall be of rights " formed in the said territory." These articles were declared to be "articles of compact between the original States and the people . . . in the said Territory . . . forever [to] remain unalterable, unless by common consent." To similar provisions in the previous ordinance this noble "bill of rights" now added freedom of religion, habeas corpus privileges, exemption from cruel or unusual punishments, and jury trial. The Third Article declared that "schools and the means of education shall forever be encouraged"; and the great Sixth Article *prohibited slavery*, with a provision, however, for the return of fugitive slaves escaping into the Northwest from other States.

The Northwest Ordinance did not make specific provision for public support of education. That was done by two other ordinances which made smooth the way for western settlement and profoundly influenced its character.

1. In 1785 Congress had passed an ordinance (originating with Jefferson) (1) providing for a rectangular land survey by the government, *in advance of settlement*, and establishing land offices for sale of public lands at low prices and in small lots; and (2) *giving one thirty-sixth of the national domain* (section 16 in each township) *to the new States, for the support of public schools*. An attempt to set aside section 15 of each township for the support of religion was voted down; but these other principles remained fundamental in Western development.

Jefferson's  
land survey  
ordinance  
of 1785

And pro-  
vision for  
schools

The intention was to have each township use the proceeds from its section 16 for its own schools. Happily, it was soon decided to give the sale of school lands to *State* officials, rather than to local officers, and to turn all proceeds into a *permanent* State fund, of which only the interest is divided each year among various localities of the State, usually in proportion to their school attend-

ance. The States admitted since 1842 have received also section 36 of each township for school purposes, or one eighteenth of the land within their limits, besides lavish grants for internal improvements.

The rectangular survey made it possible for a pioneer to locate land without the costly aid of a private survey. Previous to this law of 1785, surveys had been irregular, overlapping in some places, and in others leaving large fractions unincorporated in any "description." The points of beginning, too, had been arbitrarily

chosen, and, if once lost, they were hard to determine again. At almost the date of this ordinance, the records of Jefferson County in Kentucky describe the land of Abraham Lincoln's grandfather as located on a fork of the Long Run, beginning *about* two miles up from the mouth of the fork, "at a Sugar Tree standing in the side of the same marked S D B and extending thence East 300 poles to a Poplar and Sugar Tree North  $213\frac{1}{3}$  poles to a Beech and Dogwood West 300 poles to a White Oak and Hickory South  $213\frac{1}{3}$  poles to the Beginning." The older portions of the country still keep these cumbersome and imperfect descriptions.



MANASSEH CUTLER, "Father" of State Universities, from a woodcut in an article on early Ohio in *Harper's Magazine*, September, 1885.

2. The other great act of the dying Continental Congress which deserves grateful remembrance was passed a few days after the Northwest Ordinance. Cutler was not content even with the generous terms he had secured for the Ohio Company; and he obtained a further free grant of forty-six thousand acres "of good land" in the proposed Territory "for the support of an institution of higher learning,"—the land to be located, and funds used, "as the future legislature of the

National  
land grants  
for State  
universities



proposed settlement may direct." Here begins the policy of national land grants to "State universities." When the Territory of Indiana was set off on the West, a like grant was made for it; and so on, for each new Territory since. After 1873, such grants to new Territories were doubled in amount — thanks to a curious persistence for a second grant by early Minnesota, which had largely wasted its first grant.



AN OHIO MILL, built soon after 1790.

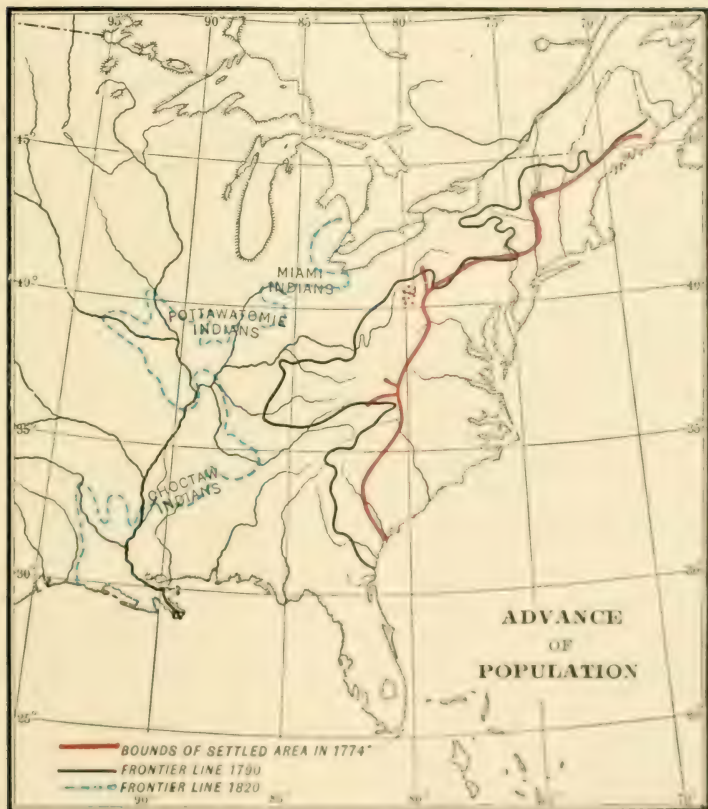
The Ohio Company eagerly pressed its preparations for settlement, and advertised the riches of the West extravagantly, to sell its lands; and in the winter of 1787-1788, fifty New Englanders under General Putnam made the western journey as far as Fort Pitt (Pittsburg). Here they built a huge boat, with sides protected by bullet-proof bulwarks, naming it the *Mayflower* in memory of their forefathers' migration to a new world. As soon as the ice broke up, they floated down the Ohio to the mouth of the Muskingum, and there founded Marietta. Various hamlets soon clustered about this first settlement,

—each, as a rule, centered about a mill, — and within two years the colony contained a thousand people. Thousands more floated past Marietta during its first season, most of them bound for Kentucky, but many to establish themselves at points in the Northwest.

For many years, migration continued to be by wagon to Pittsburg or Wheeling, and thence by water on hundred-foot rafts carrying cattle and small houses, or on Later settlement somewhat more manageable flatboats seventy feet long perhaps. Such vehicles were steered from rocks and sand bars by long “sweeps.” They floated lazily with the current by day, and tied up at the bank at night. Occasionally, long narrow keel boats were used; and these were especially convenient, because, by the brawny arms of seven or eight men, they could be poled *up* tributary streams, to choice points of settlement. For a time, settlement was hampered by frequent Indian forays. The wars that followed, however, were managed by the Federal government, with regiments of “regulars.” In 1790 and 1791, expeditions against the Indians were repulsed disastrously — the second costing more than half the American force. But in 1794 General Wayne inflicted a crushing defeat upon the natives; and, the same year, a new treaty with England secured to the United States actual possession of the Northwest posts. This deprived the Indians of all hope of English support,<sup>1</sup> and they ceased to molest settlement seriously until just before the War of 1812.

The second stage of Territorial government, with a representative legislature, did not begin until 1799. The next

<sup>1</sup> American writers used to assume that the early Indian forays were directly fomented by the English officials in the Northwest posts. No doubt the presence of English troops there did have some effect upon Indian hopes. But after a careful examination of recently opened sources of information, Professor Andrew McLaughlin writes: “I am glad to be able to state . . . that England and her ministers can be absolutely acquitted of the charge that they desired to foment war in the West. . . . There was never a time when the orders of the home government did not explicitly direct that war was to be deprecated, and that the Indians were to be encouraged to keep the peace.” *Report of American Historical Association for 1894*, 435 ff.







year Congress divided the district into two "Territories." In 1802 the eastern Territory was admitted to the Union as the *State of Ohio*. The western district became the Territory of Indiana.

The early Western settlements, we have seen, reproduced the simplicity of the first settlements on the Atlantic coast a century and a half before; and the progress of the new communities was influenced greatly by the experience of the older ones. But the Western societies did not merely copy Eastern development. They did not begin just where the Atlantic seaboard settlements did. *They started on a different plane* and with greater momentum. The Atlantic frontier had to work upon *European* germs. Moving westward, each new frontier was more and more *American*, at the start; and soon the older communities were reacted upon wholesomely by the simplicity and democracy of the West. These considerations give the key to the meaning of the West in American history. Says Frederic J. Turner, the first interpreter of the West in our history:—

The meaning of the frontier in American history

"American social development has been continually beginning over again on the frontier. This *perennial rebirth*, this fluidity of American life, this expansion westward with its new opportunities, this continuous touch with the simplicity of primitive society, furnish the forces dominating American character. . . . The frontier is the line of most rapid and effective Americanization."

## PART V — THE CONSTITUTION AND THE FEDERALISTS

### CHAPTER XIV

#### THE "LEAGUE OF FRIENDSHIP"

THE motion in Congress for Independence, on June 7, 1776, contained also a resolution that a "plan of confederation" be prepared *and submitted to the States*. A committee was appointed at once to draw up a plan. Not till November, 1777, however, did Congress adopt the *Articles of Confederation*; and *ratification* by the States was not secured until 1781 (page 251), when the war was virtually over. From '76 to '81, Congress exercised the powers of a central government. The States had not expressly authorized it to do so, but they acquiesced, informally, because of the supreme necessity.

*During those years were the States one nation or thirteen?* No one at the time thought the Declaration of Independence binding upon any State because of the action at Philadelphia, but only because of the instructions or ratification by the State itself. Congress had not even *advised* the States on Independence. It waited for the States to instruct their delegates. Then the vote was taken by States, and the delegates of no State voted for the Declaration until authorized by their own State Assembly. The action at Philadelphia on July 4, 1776, amounted to a joint announcement, in order, in Franklin's phrase, that they might all "hang together," so as not to "hang separately." Twenty years afterward, in a decision of the Supreme Court of the United States, Justice Chase said: "I regard this [the Declaration of July 4, 1776] a declaration not that the united colonies *in a collective capacity* were independent States, but that



*each* of them was a *sovereign and independent State*" (3 Dallas, 224).

The final paragraph of the Declaration refers to "the authority of the good people of these colonies"; and, in later times, that one phrase has been tortured into proof that the Declaration was the act of one people, — a single nation. Such reasoning ignores three longer phrases in the same paragraph which teach more emphatically the opposite doctrine, — of thirteen peoples. The signed copy, too, was headed "The *unanimous* Declaration of the *thirteen* United States."

The Decla-  
ration of  
Independ-  
ence and  
the states

It would be unwise, however, to draw conclusions from the wording of this document alone, even were that wording in agreement throughout. The men of '76 had not yet learned to use the terms, *independence*, *sovereign*, *state*, *nation*, with the nice precision that belongs to later days. Moreover, they were thinking just then of the relations of the States to England, not to one another. But other language — of even the most accurate thinkers and most earnest "unionists" — proves beyond doubt that men did not think of the thirteen States as one nation in 1776. Hamilton wrote, in 1784: "By the Declaration of Independence of July 4, 1776, *acceded to by our Convention* of the *ninth*, the late colony of New York became *an independent State*" (*Works*, Lodge ed., III, 470). The Pennsylvania Convention in July, 1776, approved the "co-gent reasons" given "by the honorable Continental Congress for declaring *this*, as well as *the other* United States of America free and independent," and asserted that "we will . . . maintain the freedom and independency of *this and the other United States*." So, too, Connecticut (October, 1776), when adopting her old charter for a constitution, declared, "This Republic [viz., Connecticut] is . . . a free, *sovereign*, and independent State." In all these early statements, the word *United* in "United States" is merely an adjective.

One people  
or thirteen

More than half a century later there dawned a long

struggle — finally to be settled by the sword — between Union and Disunion. Meantime the early principle of Union had been growing stronger and more pervasive, until it had become the truth most essential to the political life of our people. The progressive side in the long conflict took its stand upon this truth; and, with a common instinct of our people, they tried to date that truth back further than it really belonged, so as to claim for it the sanction of age — as reformers of the English-speaking race have ever tried to persuade themselves that they were only trying to get back to the “good old days of King Edward.” The splendid names of Story and Lincoln became connected with the mistaken doctrine that the Union was older than the States. To the North, this blunder finally became identified with patriotism; and for two generations after the Civil War it was taught in textbooks.

The present generation has not known the terrible danger of disunion, and can look more calmly at the theories. We can all see now that the real basis for Lincoln’s stand was not any theory about the past, but the need and will of a living people. Still we must not assert dogmatically that the States were older than the Union — and leave the delicate question so. When we look at the *actions* of the time as well as at its *words*, we see that *States and Union grew up together*. True, the States took form fastest and first: but, from the beginning, there was a general *expectation* that they would soon be united. Except for some such expectation, they would hardly have been born at all: and except for the creation of a union, they certainly could not have lived. The Union did not create the States; but it did preserve them.

Just after July 4, 1776, there was nothing but common sense to keep any State from acting as an independent nation. Some of them did act so, even in foreign relations. Virginia negotiated with Spain about the protection of their common trading interests in the West; and she even thought it necessary for her legislature to confirm the treaty made by Congress with France in 1778. But, on the whole, with

great good sense, *the States allowed their possible independence to lapse by disuse.* As a rule, Congress managed the war and all foreign relations; and this practice was soon made the constitutional theory by the ratification of the Articles of Confederation.

*The years 1783-1788 were "The Critical Period."* When the war for Independence closed, it became plain that the real dangers to American union were three: the weakness of the Central Government, conflicts between the States, and anarchy within individual States.

The authority of Congress was really less after 1781 than before. The war was practically over, and the States no longer felt it necessary to obey a central power. More Weaknesses and more, the wish for nationality was lost in a of Congress narrow State patriotism. In the generous glow of the first years of revolution, Patrick Henry had once exclaimed: "I am no longer a Virginian: I am an American." But about 1781 the language of State sovereignty became almost universal. Henry would now have been loath to call himself "an American first"; and in the Virginia Assembly, Richard Henry Lee spoke of Congress as "a foreign power." The weakness of that gathering became notorious and shameful. Able and ambitious men left it for places in State legislatures. In 1785 and 1786, for more than half its sessions, not enough members to do business could be got together. The treaty of 1783 had to be ratified within six months of its signing at Paris; but three months expired before the necessary nine States were represented in Congress. Twenty delegates, representing only seven States, were present when Washington resigned command of the army. Rarely afterward were eleven States represented; and often three men (of the twenty or twenty-five present) could defeat any important measure, — since such measures required the assent of nine States. Two weaknesses of Congress call for special attention. It could not negotiate with foreign powers to advantage; and it could not raise funds for the bare necessities of government at home.



1. Congress had proven unable to compel the States to respect even the treaty of peace with England (page 235). We wished a further commercial treaty, but the irritated English ministry asked whether they were to deal with one state or with thirteen. Other countries, too, cared little to spend effort on negotiations that promised to be waste paper.

2. Congress was bankrupt. For a time it paid *interest* on the \$6,000,000 it had borrowed from France, but only by borrowing \$2,000,000 more from Holland; and **Bankruptcy** there came a period when it was impossible for Yankee ingenuity to wheedle more money from friendly Frenchman or Dutchman. At home, Congress had made no pretense of paying even interest. Interest-bearing "certificates," issued by Congress to pay off the army, passed by 1788 at twelve cents on the dollar, and the \$240,000,000 of paper currency was practically repudiated. Congress could get money only by calling upon the States for contributions. In 1781, while the war was still going on, Congress called for \$5,000,000. Less than a tenth was paid. Some States ignored the call, and New Jersey defied it. During the six years 1783-1788 (after the war), Congress made requisitions amounting to \$6,000,000; but less than \$1,000,000 was ever paid.

*This shame cannot be excused on any plea of poverty.* The war had demoralized industry; but after all, the main difficulty was the desire of each State to shift its burden upon a neighbor. Says Francis A. Walker (*Making of the Nation*, 9): "Our fathers at the close of the Revolution were not an impoverished people. They were able to give all that was demanded of them. It chiefly was a bad political mechanism which set every man and every State to evading obligations. . . . *Under a thoroughly false system, such as this was, it is amazing how much meanness and selfishness will come out.*" This judgment is proved correct by the fact that with a change of political machinery these evils vanished.

The second great evil of the period was strife between the States. A wise provision of the Articles tried to make Congress the arbiter in disputes between States; but bitter jealousies made this provision a dead letter. Strife between the States Each State had its line of custom houses against all the others, with all sorts of discriminations, fruitful of discord. Connecticut taxed goods from Massachusetts more than the same articles from England, — in hope of drawing away British trade from the older colony; and, on another frontier, she waged a small war with Pennsylvania over the ownership of the Wyoming valley, while she seemed on the verge of war, for similar reasons, with New York and New Hampshire. New York taxed ruinously the garden produce of the New Jersey farmers, who supplied her and who had no other market; and New Jersey retaliated with a confiscatory tax of a thousand dollars upon a spot of sandy coast which New York had bought from her for the site of a lighthouse. South Carolina and Georgia were coming to blows over the navigation of the Savannah. Kentucky, Tennessee, Vermont, and Maine were all demanding independence of the older States of which they were still legally a part. In all ages the two fruitful causes of war between neighboring nations have been disputes over trade and over boundaries; and just such disputes were now threatening to turn the Atlantic coast into a stage for petty bloody wars.

The third great evil was anarchy inside the States. The long struggle against England's control led some intelligent patriots, like Samuel Adams and Richard Henry Lee, to object to any real control over the new States, even by Congress; and it made many Anarchy in individual States ignorant men hostile to *any government*, Central or State. For years, even before open war, they had associated service to liberty with anti-social acts — boycotts, breaking up courts, terrorizing officers of the law. Many of them had won easy reputation as patriots by refusing to pay honest debts due in England; and they now felt it a hardship to

pay debts to their neighbors. Demagogues declaimed, to applauding crowds, that all debts ought to be wiped out. Wild theories as to common ownership of property were in the air.

A rude awakening all this proved to the patriots who had expected a golden age. "Good God!" exclaimed Washington, of such disorders: "Who but a Tory could have foreseen, or a Briton predicted, them?" And again, in momentary despair, he declared that such commotions "exhibit a melancholy proof . . . that mankind, when left to themselves, are unfit for their own government." The worst of it was, too, that these semi-criminal forces of lawlessness and confiscation were reinforced by the bitter discontent of multitudes of well-meaning men who were suffering real hardships. Many an old soldier who had lost his home by mortgage foreclosure, or who was in danger of doing so, felt that the loss was due to his having received insufficient pay in worthless paper money, while the law of the time drained his slender resources by extortionate court fees, and threatened to condemn him to hopeless imprisonment for such undeserved debt.

The most widespread manifestation of this wild spirit was the fiat money craze that swept over half the States and threatened all the others, despite the recent **Fiat money** grievous experience with such currency. In New Hampshire an armed mob besieged the legislature to obtain such relief. The Rhode Island experience was the most serious, but it also suggested a remedy. Paper money was the issue in that State in the election of the legislature in 1785. The "cheap money" party won. Creditors fled, to escape accepting the new "legal tender" for old loans of good money, and storekeepers closed their shops rather than sell goods for the worthless stuff. Then the legislature made it a penal offense, *punishable without jury trial*, to refuse the paper in trade. Finally a certain Weeden, a butcher, who had refused to sell meat for paper to one Trevett, was brought to trial (1786). Weeden's lawyer pleaded that the law, refusing jury trial, was in conflict with the



"constitution"<sup>1</sup> and was therefore void. The court took this view and dismissed the case. The legislature summoned the judges to defend themselves; and, after hearing their defense, voted that it was unsatisfactory. At the next election, three of the four judges were defeated; but their action had helped to lay the foundation for the tremendous power of the later American courts.

Most important of all the anarchic movements was Shays' Rebellion in Massachusetts. For six months in 1786-1787, parts of the State were in armed insurrection against the regular State government. Rioters broke up the courts in three large districts, to stop proceedings against debtors. And Daniel Shays, a Revolutionary captain, with nearly two thousand men, was barely repulsed from the Federal arsenal at Springfield. Says Francis A. Walker: "The insurgents were largely, at least in the first instance, sober, decent, industrious men, wrought to madness by what they deemed their wrongs; but they were, of course, joined by the idle, the dissipated, the discontented, the destructive classes, as the insurrection grew."

Congress prepared to raise troops to aid Massachusetts, but, *fearing to avow that purpose*, pretended to be preparing for an Indian outbreak. In any case, Congress was too slow to help. The legislature of Massachusetts, too, proved timid. But Governor Bowdoin acted with decision. The State militia were called out (supported by contributions from Boston capitalists), and the rebels were dispersed in a sharp midwinter campaign. A few months later, however, Bowdoin was defeated for reelection by John Hancock, a sympathizer with the rebellion, — who then pardoned Shays and other rebel leaders.

This rebellion was one of the chief events leading to the new Federal Constitution. Men could look calmly at Rhode Island vagaries, and even at New Hampshire anarchy; but riot and rebellion in the staid, powerful Bay

<sup>1</sup> "Constitution" was used here, as by Otis in 1761, in the English sense, since the Rhode Island charter made no *specific* reference to trial by jury. This makes the decision the more daring and remarkable.

State was another matter. It seemed to prophesy the dissolution of society, unless there could be formed at once a central government strong enough "to ensure domestic tranquillity." When Henry Lee in Congress spoke of using *influence* to abate the rebellion, Washington wrote him in sharp rebuke, "You talk, my good Sir, of using influence. . . . Influence is no government. Let us have one [a government] by which our lives, liberties, and properties may be secured, or let us know the worst."

*All these evils of the Critical Period had their roots in the Articles of Confederation.* The Confederation called itself

**Weaknesses** a "firm league of friendship." Avowedly it fell  
**of the** far short of a national union. The central  
**"Articles"** authority was vested in a Congress of delegates.

These delegates were appointed annually by the State legislatures, and were paid by them. Each State had one vote in Congress, and nine States had to agree for important measures. Each State promised to the citizens of the other States all the privileges enjoyed by its own citizens (the greatest step toward real unity in the Articles); and the States were forbidden to enter into any treaty with foreign powers or with each other, or to make laws or impose tariffs that should conflict with any treaty made by Congress. Congress was to have sole control over all foreign relations; and, for internal matters, it was to manage the postal service and regulate weights and measures and the coinage. The final article read: "Every State *shall abide* by the determination of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation *shall be inviolably observed* by every State, and the Union shall be *perpetual*. . . ." But a previous article provided, "Each State retains its *sovereignty*, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation *expressly* delegated to the United States in Congress assembled."

The "Articles of Confederation" was not a crude or

clumsy document of its kind. Probably it was the best constitution for a confederacy of states that the world had ever seen. Certainly it had many improvements over the ancient Greek confederations and over the Swiss and Dutch unions. The real trouble was, no mere confederacy could answer the needs of the new American people. That people needed a national government.

The four great weaknesses of the Articles had proved to be: poor machinery of government, an insufficient enumeration of powers, the impossibility of amendment, and the fact that the government could not act upon individual citizens, but only upon States.

1. The requirement that nine States in Congress must agree for important business hindered action unduly, — especially when for long periods not more than nine or ten States were represented. Moreover the union had no executive and only a feeble germ of a judiciary.

Poor machinery of government

2. No federal government had ever had a longer list of important matters committed to its control, but the list should have contained at least two more powers: *power to regulate interstate commerce* would have prevented much civil strife; and *authority to levy a low tariff for revenue* would have done away with the chief financial difficulties.

Insufficient powers enumerated

3. After all, the first two defects were matters of detail. They might have been remedied without giving up the fundamental principle of the union as a *league of sovereign States*. And the States would have corrected them, in part at least, had it not been for the third evil. The *amending clause* (in the Thirteenth Article) demanded the *unanimous consent of the thirteen State legislatures* for any change in the Articles. In practice, this prevented any amendment.

Impossibility of amendment

In February, 1781, Congress submitted to the States an amendment which would have added to its powers the *authority to put a*



*five per cent tariff on imports*, — the proceeds to be used in *paying the national debt and the interest upon it*. This modest request for an absolutely indispensable power roused intense opposition. "If taxes can thus be levied by any power outside the States," cried misguided patriots, "why did we oppose the tea duties?" After a year's discussion, twelve States consented; but Rhode Island voted that such authority in Congress would "endanger the liberties of the States," and the amendment failed.

Another attempt was made at once (1783), similar to the former except that now the authority was to be granted Congress for *only twenty-five years*. Four States voted No, Virginia among them; and said Richard Henry Lee, "If such an amendment prevail, Liberty will become an empty name." Congress made these States a solemn appeal not to ruin the only means of redeeming the sacred faith of the Union. Three of them yielded, but New York (jealous now of her rapidly growing commerce) maintained her refusal; and the amendment again failed (1786), *after three years of negotiation*. Far-seeing men then gave up hope of efficient amendment by constitutional means. *Revolution* (peaceable or violent) or *anarchy*, — these were the alternatives.

4. *The fourth evil* (the failure to act upon individuals) *was fundamental*. It could not be corrected except by changing the confederation of sovereign States into some kind of national union. For three millions of weak subjects Congress might have passed laws.

A "government by supplication"

On thirteen powerful subjects it could merely make requisitions. John Smith or Henry Jones would hardly think of refusing obedience to a command from a Central government; but New York or Virginia felt as strong as Congress itself, and would do as they pleased. A confederation of states is necessarily a "government by supplication."

*In the final outcome it was fortunate that constitutional amendment was impossible*. Otherwise, reasonable amendment might have patched up the Articles and kept the defective union alive. But no ordinary amendment could have cured the fundamental evil. The Constitutional Convention of 1787, when it came, perceived

Recognition of the evils

the need clearly and met it courageously. For several years, from 1781 to 1787, thinkers had been groping towards the idea that we must have a new kind of federation, such that the central government could act directly upon individual citizens; and in that final year Hamilton wrote: —

“The evils we experience do not proceed from minute or partial imperfections, but from fundamental errors in the structure, which cannot be amended otherwise than by an alteration in the first principles and main pillars of the fabric. The great radical vice of the existing confederacy is the principle of LEGISLATION for STATES in their *corporate* or *collective capacity*, as contradistinguished from the INDIVIDUALS of which they consist.” — *Federalist*, XI. (The variety of type was used by Hamilton.)

This fundamental defect had been found in every federal union in earlier history. All had been *confederations of states*. The American Constitution of 1787 was to give to the world a new type of government, — a *federal state*. In the old type the states *remained* sovereign states confederated. In the new type they are *fused*, for certain purposes, into one sovereign unit. This new kind of federal government, said the shrewd and philosophical Tocqueville forty years later, was “a great discovery in political science.” It was adopted by Switzerland in 1848, by the Dominion of Canada in 1867, by the German Empire in 1871, by Australia in 1900, and by South Africa in 1909.

A federal  
state or a  
confedera-  
tion of  
states

## CHAPTER XV

### THE FEDERAL CONVENTION AND THE CONSTITUTION

WHEN the second revenue amendment failed, in 1786 (page 270), a "Continental convention" had already been called to consider more radical changes.

Suggestions  
for change  
in govern-  
ment

*Suggestions for a convention to form a stronger government* had been made from time to time by individuals for several years. As early as 1776 Thomas Paine had urged:—

"Nothing but a continental form of government can keep the peace of the continent. . . . Let a *continental conference* be held to frame a continental charter. . . . Our strength and happiness are continental, not provincial. We have every opportunity and every encouragement to form the noblest and purest constitution on the face of the earth."

Twice Hamilton had secured from the New York legislature a resolution favoring such a convention. No concrete result followed, however, until these proposals became connected with a commercial undertaking.

Washington had long been interested in Western lands, and at the close of the Revolution he owned some thirty thousand acres in the Virginia Military Reserve (page 251). A visit to the West impressed him powerfully with the need of better communication with that region, both for business prosperity and for continued political union;<sup>1</sup> and he urged Virginia to build roads to her Western possessions. In pursuance of this idea he became president of a company

The Mount  
Vernon  
meeting,  
1786

<sup>1</sup> Referring to the danger that the Westerners might join Spain, he wrote: "They . . . stand, as it were, upon a pivot. The touch of a feather would turn them either way."



to improve the navigation of the Potomac. This matter required assent from both Virginia and Maryland. These States were also in dispute over the tariffs at the mouth of Chesapeake Bay. At Washington's invitation, commissioners from the two States met at Mount Vernon, to discuss these matters. There it was decided to hold another meeting to which Pennsylvania also should be invited, as she, too, was interested in Chesapeake Bay. Washington had suggested that the proposed meeting, since it concerned improvement in the *means* of commerce, should consider also the possibility of *uniform duties* on that commerce. Maryland expressed approval, and asked whether it might not be well to invite other States to the proposed conference; and Virginia finally issued an invitation to *all* the States to send representatives to Annapolis, September 1, 1786.

Only five States appeared at this *Annapolis Convention*. Even Maryland failed to choose delegates. But New Jersey had instructed her representatives to try to secure, not only uniform duties, but also *other measures which might render the Confederation adequate to the needs of the times*. This thought was made the basis of a new call. The delegates at Annapolis adopted an address, drawn by Alexander Hamilton, urging all the States to send commissioners to Philadelphia the following May, —

The failure  
of the  
Annapolis  
Convention

“to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union,” and to report to Congress such an act “as when agreed to by them [Congress], and confirmed by the legislatures of every State, will effectually provide for” those exigencies.

At first this call attracted little attention. But the sudden increase of anarchy in the fall of 1786 brought men to recognize the need for immediate action. Here was the opportunity. Madison persuaded the Virginia legislature to appoint delegates and to head the list with the name of Washington. Even in Virginia there had been warm

opposition to a convention. Patrick Henry refused to attend, and the young Monroe called the meeting unwise. Washington thought of declining his appointment, not because the meeting was not needed, but because he expected it to turn out a fizzle and questioned whether attendance would be consonant with his dignity. Not until late in March did he agree to go, after three months of hesitation. Meantime other States had followed Virginia's lead, and the *Philadelphia Convention* became a fact.

That famous Convention lasted four months — from May 25, 1787, to September 17. The debates were guarded

The Phila-  
delphia  
Convention,  
May to  
September,  
1787

by the most solemn pledges of secrecy. Most that we know about them comes from Madison's notes. Madison had been disappointed in the meager information regarding the establishment of earlier confederacies, and he believed that

upon the success of the federation now to be formed "would be staked . . . possibly the cause of liberty throughout the world." Accordingly, he determined to preserve full records of its genesis. Missing no session, he kept careful notes of each day's proceedings and of each speaker's arguments; and each evening he wrote up these notes more fully, submitting them sometimes to the speakers for correction. In 1837, when every member of the Convention had passed away, Congress bought this manuscript from

Madison's  
Journal

Mrs. Madison, and published it as "*Madison's Journal of the Constitutional Convention.*" A few

other members took imperfect notes and several wrote letters that throw light upon the attitude of certain men.

Fifty-five men sat in the Convention. Seventy-three delegates were appointed, but eighteen failed to appear.

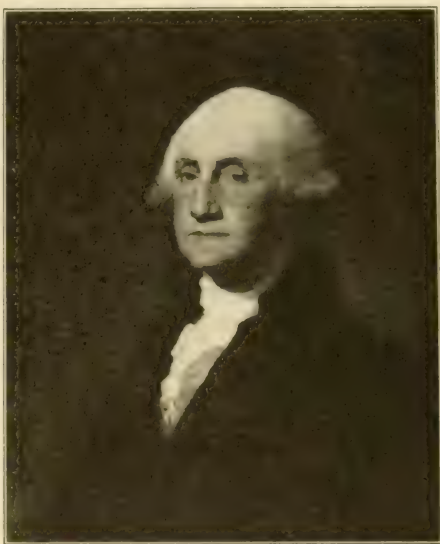
Composition  
and leaders

Twenty-nine of the fifty-five had benefited by college life; but among those who had missed that training were Franklin and Washington. With few exceptions the members were young men, several of the most active being under thirty. The entire body was English by descent and traditions. Three notable members — Alexander Hamilton of New York, and James Wilson and

Robert Morris of Pennsylvania — had been born English subjects *outside* the United States; and the great South Carolina delegates, Rutledge and the Pinckneys, had been educated in England.

Virginia and New Jersey were to give their names to the two schemes that contended for mastery in the Convention; and their delegations, therefore, are of special interest. Virginia sent seven members. Among them were *Washington*, *George Mason* (who eleven years before had drawn the first State constitution), *Edmund Randolph*, her brilliant young governor, and *Madison*, who was to earn the title "Father of the Constitution." New Jersey sent four delegates, all tried statesmen: *Livingstone*, eleven times her governor, *Patterson*, ten times her Attorney-General, *Brearly*, her great Chief Justice, and *Houston*, many times her Congressman. These delegations were typical. "Hardly a man in the Convention," says McMaster, "but had sat in some famous assembly, had filled some high place, or had made himself conspicuous for learning, for scholarship, or for signal service rendered in the cause of liberty."

On the other hand, William Pierce of Georgia, who sat in the Convention, in his entertaining character sketches of his



GEORGE WASHINGTON. From the Stuart portrait. Washington was president of the Convention and exercised great influence there, though he made no formal speech in its sessions. He was to live thirteen years after that meeting. This most famous of his portraits belongs to the later period of his life. Says John Fiske, very happily, Washington was a typical *English* gentleman, *reared on the right side of the Atlantic*.



associates there, has nothing to say of several except that they were *gentlemen* "of Family and fortune." Certainly *this illustrious company felt a deep distrust of de-*  
 Fear of democracy *mocracy.* In their political thought, they were much closer to John Winthrop than to Abraham Lincoln. They wished a government *for* the people, but *by* what they were fond of calling "the wealth and intelligence of the country." At best, they were willing only so far to divide power between "the few" and "the many" as to keep each class from oppressing the other, — and they felt particular tenderness for "the few." The same causes that made them desire *a stronger* government made them wish also a more *aristocratic* government. It seemed an axiom to them that the unhappy conditions of their country were due (as Gerry<sup>1</sup> phrased it) to "an excess of democracy."

Necessarily the men of the Convention belonged to the eighteenth century, not the twentieth. But, more than that, they represented the crest of a reactionary movement of their own day. In the early Revolutionary years, the leaders had been forced to throw themselves into the arms of democracy for protection against England (page 186), and those years had been marked by a burst of noble enthusiasm for popular government. But, when the struggle was over, the "leaders of society" began to look coldly upon further partnership with distasteful allies no longer needed; and this inevitable tendency was magnified by the unhappy turbulence of the times. By 1785, especially among the professional and commercial classes, a conservative reaction had set in; and this expressed itself emphatically in the Philadelphia Convention. Says Woodrow Wilson (*Division and Reunion*, 12):—"The Federal government was not by intention a democratic government. In plan and in structure *it had been meant to check the sweep and power of popular majorities.* . . . [It] had in fact been originated and organized upon the initiative, *and primarily in the interest,* of the mercantile and wealthy classes."

<sup>1</sup> Elbridge Gerry was one of the four delegates from Massachusetts, perhaps the most democratic of them, and, some years later, a real democratic leader.

May 31, the second day of debate, Gerry declared that he "abhorred" pure democracy as "*the worst of all political evils.*"<sup>1</sup> The same day, Roger Sherman of Connecticut objected to the popular election of the members even of the *lower* House of Congress, because "*the people, immediately, should have as little to do as may be about the government*"; and Randolph explained that the Senate, in the Virginia plan, was designed as "*a check against this tendency*" [democracy]. In tracing to their origin the evils under which the country labored, "*every man,*" he affirmed, "*had found [that origin] in the turbulence and follies of democracy.*" Two days later, Dickinson declared "a limited monarchy . . . one of the best governments in the world. It was not certain that equal blessings were derivable from any other form. . . . A limited monarchy, however, was out of the question. *The spirit of the times forbade the experiment. . . . But though a form the most perfect perhaps in itself be unattainable, we must not despair*"; and he proceeded to suggest ways to make property count in the new government. June 6, he returned to this theme, urging that the Senate should be "*carried through such a refining process* [viz., indirect elections and property qualifications] as will assimilate it, as nearly as may be, to the House of Lords in England."

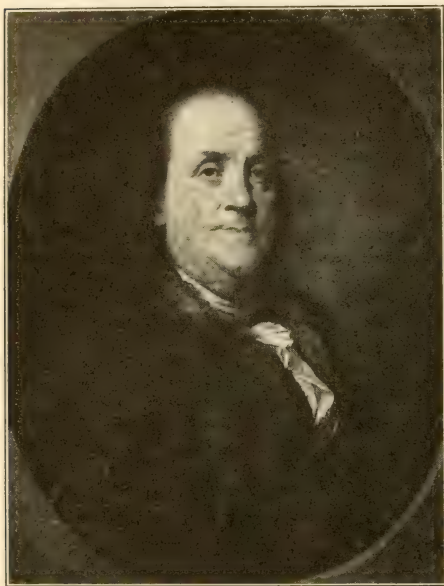
Gerry,  
Randolph,  
and  
Dickinson

Gouverneur Morris of Pennsylvania, one of the most brilliant and effective men in the Convention, also believed it essential that the Senate should be "an aristocratic body," *composed of rich men holding office for life*. Said he, "It must have great personal property; it must have the aristocratic spirit; it must love to lord it through pride." Morris, Rufus King of Massachusetts, and Rutledge strove strenuously to have wealth represented in the *lower* House also, affirming, each of them, that "property is the *main* object of government"; nor did this claim, so un-American to our ears, call forth one

Morris and  
Hamilton

<sup>1</sup> The quotations in this chapter come from Madison's *Journal*, unless otherwise indicated.

protest that government should concern itself as much with human rights as with property rights: Hamilton held, perhaps, the most extreme ground against democracy. He "acknowledged himself not to think favorably



BENJAMIN FRANKLIN. From the portrait by Duplessis during Franklin's residence in France. At the time of the Convention, Franklin was 82. William Pierce (see page 275) calls him "the greatest phylosopher of the age; the very heavens obey him, and the clouds yield up their lightning to be imprisoned in his rod. But . . . he is no speaker, nor does he seem to let politics engage his attention. He . . . tells a story in a style more engaging than anything I ever heard."

of republican government. . . . He was sensible at the same time that it would be unwise [for the convention] to propose one of any other form. But in his *private* opinion, he had no scruple in declaring, supported as he was by the opinion of so many of the good and wise, that the British government was the best in the world, and he doubted much whether anything short of it would do in America." It was "the model to which we should approach as nearly as possible." The House of Lords he styled "a most noble institution," especially commending it as "a permanent barrier against every pernicious innovation."

Hamilton's "plan" said, represented his own views of what was desirable in America: an Executive for life, with extreme monarchic powers (including an *absolute veto*), chosen by *indirect election*; a Senate for life, chosen by *indirect election*; and a representative assembly chosen by *freeholders*; this government was to appoint the governors



of the States, and, through them, to exercise an *absolute veto* upon all State legislation.

*Such statements went almost unchallenged.* Dissent, if expressed at all, cloaked itself in apologetic phrase. This was due to the unfortunate absence of a group of splendid figures whom we might have expected to see in that gathering. Great as the Virginia delegation was, it might have been greater still, had it included Thomas Jefferson, Patrick Henry, Richard Henry Lee, or Thomas Paine; and it would no doubt have been well had Massachusetts sent Samuel Adams, or New York her great war-governor, George Clinton. Four or five of these democratic leaders would have given a different tone to the debates. As things were, every prominent patriot of Revolutionary fame, *on the conservative side*, was present, except John Adams and John Jay; but the lonely representatives of democracy were George Mason and the aged and gentle Franklin — just returned from many years of residence at the aristocratic French court. And even Mason “admitted that we had been too democratic,” though he was fearful the Convention was going to the other extreme.

The Convention had many conflicting interests. It contained Nationalists and State-sovereignty men, “North-erners” and “Southerners,” commercial interests and agricultural interests, advocates of extending slavery and friends of restricting slavery. These various lines were so intertangled as to prevent definite “parties.” It is convenient to speak of a “large-State party” and “a small-State party”; but the men who divided in this particular way on one great question found themselves in quite different combinations on almost every other problem. No praise is too high for the patience and “sweet reasonableness” (failing only with a few individuals and on rare occasions) with which on all these matters the great statesmen of that memorable assembly strove first to convince one another, and, failing that, to find a rational compromise.

Absence of  
the demo-  
cratic  
leaders

“Parties”  
in the  
Convention

High praise, too, is due their profound aversion to mere theory, their instinctive preference for that which had been *proven* good. Mr. Gladstone once said: "As the *Aversion to mere theory* British constitution is the most subtle organism which has *proceeded from progressive history*, so the American constitution is the most wonderful work ever *struck off at a given moment* by the hand and purpose of man." This sentence has helped to spread the idea that the Philadelphia Convention invented a whole set of new institutions. Such an impression is mistaken. Practically every piece of political machinery in the Constitution was taken from the familiar workings of State constitutions.

Some months before the meeting, Madison had drawn up several propositions concerning a new government, in letters to Jefferson and Washington. The Virginia delegates were the first to arrive at Philadelphia. While they waited for others, they caucused daily, formulating these suggestions of Madison's into *the Virginia Plan*. This plan provided for a two-House legislature. The lower House was to be chosen *by the people* and was to be apportioned among the States in proportion to population *or wealth* (so that Virginia, Pennsylvania, and Massachusetts each would have sixteen or seventeen delegates to one from Delaware or Rhode Island). The upper House was to be chosen *by the lower*. There was no provision for equality of the States in either branch of the legislature, and no security that a small State would have any part at all in the upper House. As to power, the central legislature was *to fix its own limits*. And it was to have an *absolute veto upon any State legislation* which it thought inconsistent with its own laws. This would have left the States hardly more than convenient administrative districts, and would have created a government more like that of modern France than like that of the present United States. It did not so much propose to *amend* the Confederation as to *substitute* a consolidated government.

May 29, the Virginia Plan was presented to the Convention by Randolph in a brilliant speech, and for two

weeks, in committee of the whole, it was debated, clause by clause. Then came an interruption. So far, the large States had had things their own way; but at last the small-State delegates had united upon the *New Jersey Plan*, which was now presented by Patterson. This plan would merely have *amended* the old Confederation in some particulars. It would have given Congress power to impose tariffs and to use force against a delinquent State; and it designed a true executive and an imposing federal judiciary.

The committee of the whole gave another week to comparing the two plans. Then, by a decisive vote, it set aside the new proposals and returned to the Virginia Plan. From June 19 to July 26, nineteen resolutions, based on that plan and adopted in Committee, were considered again, in formal Convention, clause by clause. Midway in this period came the great crisis, when day by day the Convention tottered on the brink of disruption in the contest between large and small States. That calamity was finally averted by the *Connecticut Compromise* (page 283).

The Convention then adjourned for eleven days, while the conclusions so far agreed upon were put into the form of a constitution, in Articles and Sections, by a *Committee of Detail*. From August 6 to September 10 this draft of a constitution was again considered, section by section. Next, a Committee of Revision (often referred to as the "Committee on Style") redrafted the Constitution according to the latest conclusions of the Convention. To *Gouverneur Morris*, chairman of this committee, we owe in large degree the admirable arrangement and clear wording of the document. Once more the Convention reviewed its work in this new form (September 12-17). This time few changes were made; and September 17 the Constitution was signed by thirty-nine delegates, representing twelve States.

Thirteen of the fifty-five delegates had left; and three of those present (Randolph, Mason, and Gerry) refused to



sign. Randolph afterwards urged ratification in Virginia, but Mason and Gerry remained earnest opponents of ratification. In July Mason had said that it could not be more inconvenient for any gentleman to remain absent from his private affairs than it was for him; but he would "bury his bones in this city rather than expose his country to the consequences of a dissolution without anything being done." On August 31, however, he exclaimed that he "would sooner chop off his right hand than put it to the Constitution as it now stands."

Early in the debates, *the Connecticut delegates (Roger Sherman, Oliver Ellsworth, and William Johnson) had proposed a compromise* between the Virginia and the New Jersey plans; *i.e.* that the lower House of the legislature should represent the people, and that the upper House should represent States, each State having there an equal vote. When feeling ran highest between the large-State and small-State parties, this proposal was renewed with effect.

Debate had grown violent. The small-State delegates served notice that they would not submit to the Virginia Plan. A large-State delegate threatened that if not persuasion, then the sword, should unite the States. Small-State men retorted bitterly that they would seek European protection, if needful, against such coercion.

Each State had one vote. Virginia, Pennsylvania, and Massachusetts were the true "large States"; but with them, on this issue, were ranged North Carolina, South Carolina, and Georgia. New Jersey, New York,<sup>1</sup> Delaware, Maryland, and Connecticut comprised the "small-

<sup>1</sup> New York was then little more than the valley of the Hudson. Hamilton, delegate from that State, was an extreme centralizer; but he was outvoted always by his two colleagues. In the height of this debate, those gentlemen seceded from the Convention. After that, New York had no vote, since the legislature had provided that the State should not be represented by less than two of the three delegates. For this reason, Hamilton had little influence upon the work of the Convention.

State party." Rhode Island never appointed delegates, and the New Hampshire representatives were not on the ground until July 23. Had these two States taken part, the "small States" would have controlled the Convention from the first.

The critical vote came July 2, after a week's strenuous debate. The first ten States to vote stood five to five. If either party won, the other was likely to organize a separate convention. Georgia was still to vote; and one of her two delegates voted on the small-State side (against his own convictions), *so as to throw away the vote of his State and leave the result a tie.*

This gave time for reflection. Said Roger Sherman, "We are now at full stop, and nobody [he supposed] meant that we should break up without doing something." In the desultory discussion that followed, several members suggested a committee to devise some compromise. Finally, the matter was referred to a Committee of Eleven, one from each State present. *The moderate men won their victory in selecting the members of this committee.* The most uncompromising men in this dispute had been the great leaders from Virginia, Pennsylvania, and Massachusetts, — Madison and Randolph, Wilson and Gouverneur Morris, and Rufus King. Desperate as the case stood, Madison and Wilson spoke against referring the question to a committee at all. Properly enough, these men were all left off the committee, the places from their States being filled by those of their colleagues most in sympathy with small-State views, — Mason, Franklin, and Gerry.

July 5, the committee reported once more the Connecticut Compromise. Large-State leaders were still opposed; but, after ten days more of debate, the plan carried. This "First Great Compromise of the Constitution" has made our government partly national, partly federal. Each citizen of the United States is subject, *directly*, to two distinct authorities, — the National government and a State government. The National government acts directly upon him,

*but only within a prescribed field.* Elsewhere the State retains *complete authority*, — as supreme within its domain as the Central government in its. Neither government has any right to trespass on the field of the other.

The Constitution tried to mark off the two fields from one another by three devices: (1) by "enumerating," in eighteen paragraphs, the powers given to Congress; (2) by forbidding certain powers to the States; and (3) by providing (expressly in the tenth amendment, and by implication throughout) that powers not granted to the Central government are reserved to the States. It is customary, therefore, to call our government "*a government of enumerated powers.*"

The enumerated powers are vast. They include sole control over foreign relations (with the making of peace and war, and maintaining armies and navies); and, in domestic matters, the control of naturalization, coinage, and weights and measures, the post office and postal service, copyrights and patents, commerce between citizens living in different States, and taxation *so far as needful to enable the government to care for all these duties.*

*Still, these powers touch our daily life less closely and less vitally than do the powers reserved to the States.* The State regulates the franchise (indirectly, even the Federal franchise<sup>1</sup>), marriage and divorce and all family relations, inheritance, education, all property and industrial conditions (except those that may be connected with interstate commerce), and all criminal law, as well as the powers of towns, counties, and other local units.

In a federal government there is inevitably a constant contest between the advocates of stronger central control and the upholders of the rights of the States. In power, either party is apt to seek to extend the province of the government. In opposition, the same party appeals to States rights, to restrict a power which seems dangerous in the hands of opponents. The party anxious to limit the

<sup>1</sup> Except as certain provisions have been put beyond the control of either State or Congress by the Fifteenth and Nineteenth amendments.



Central government has always sought to restrict it closely to the "Enumerated powers." Its opponents have met this war cry with the shibboleth, "*Implied powers.*" <sup>Implied powers</sup> Under cover of this phrase a vast development of National power has taken place. Thus the Constitution gave Congress power to regulate interstate commerce. To the men of that day, that power meant only authority to prevent one State from setting up barriers against another's commerce. Under the same phrase to-day Congress regulates railroad freight rates on commerce, adulteration of foods (character of goods carried in this commerce), and compensation by railroad companies for injuries to employees.

This expansion of National authority is essential to our well-being. The States are no longer competent to manage these *common* interests. Steam and electricity, and intimate trade relations, make many matters fit subjects for National control now which were better off in the hands of the States a hundred years ago. It would be better, no doubt, to give such powers distinctly to the Central government by adding them to the enumeration of powers; but our Constitution makes such amendment exceedingly difficult, and so it is fortunate that we can meet new needs as they arise by even this dangerous process of "forced construction" at the hands of Congress and the Supreme Court. Says James Bryce, —

"They [the men of the Philadelphia Convention] foresaw that their work would need to be elucidated by judicial commentary; but they were far from conjecturing the *enormous strain* to which some of their expressions would be subjected in the effort to apply them to new facts. . . . The Americans have more than once *bent* their constitution, that they might not be forced to *break* it."

In expanding "implied powers," two expressions in the Constitution have been especially appealed to, — the "general welfare" clause, and the "necessary and proper" clause.

1. The words "to provide for the general welfare" occur twice, — once in the preamble, once in the first paragraph of the enumeration of powers. In the preamble the clause

could not convey power; and, moreover, in that connection, the words are taken from a similar passage in the old Articles of Confederation. In the other passage (Art. I, sec. 8), paragraphing and punctuation show beyond reasonable dispute — as does also the history of the clause in the Convention — that “to . . . provide for the general welfare” is not an independent grant of power, coördinate with “to lay taxes,” or “to coin money,” but that it simply indicates the purpose for which taxes are to be laid. This, too, is the decision of the Supreme Court (Chief Justice Marshall, in *Gibbons vs. Ogden*).

2. In “necessary and proper,” “necessary” would at first seem to be the stronger word. Why is “proper” added?

Does the passage mean that a power should not be used, even if necessary, unless also proper? Or does “necessary” mean merely *convenient*? The latter interpretation has been adopted by the courts. *This phrase is the true basis for the growth of the doctrine of implied powers.* At Philadelphia its possibilities were seen only by Mason and Gerry — to be dreaded by them.

The Convention decided without great trouble that in the first Congress the *Representatives* should be divided among the thirteen States in proportion to population; but Morris and the New Englanders struggled to prevent the adoption of proportional representation as a permanent principle. After the government should once have been instituted, argued Morris, let Congress provide for reapportionment (or refuse to provide it) as it might think best from time to time. His purpose, he stated frankly, was to prevent any true reapportionment so far as would concern new States from the West. “The new States will know less of the public interest,” said he, and “will not be able to furnish men equally enlightened.” Even in the old States, he added, “the back members [western members] are always the most averse to the best measures.” Several other delegates urged that *the total representation from new States ought never to exceed that from the original thirteen.*

But the Virginia delegation stood forth as the champions of the West. Mason argued unanswerably that both justice and policy demanded that new States "*be treated as equals, and subjected to no degrading discriminations.*" This view prevailed. On motion of Randolph, the Constitution itself provides for a census, and for reapportionment, every tenth year.

Another sectional quarrel grew out of this question of apportionment. The South wanted slaves to count as men. Many Northern members were vehemently opposed to this, both because of a rising sentiment against slavery, and because they feared an undue weight for the South in Congress. The outcome was the "*Second Great Compromise*," — *the three fifths ratio*, so that five slaves should count as three free persons in fixing the number of Representatives from a State.

The "*Third Great Compromise*," also, was concerned with slavery. New England wished Congress to have power over commerce, so that it might encourage American shipping against foreign competition. The South feared that Congress, with this power, might tax the great Southern *exports*, cotton, rice, and tobacco, or even prevent further *importation* of slaves. Finally Congress was given power to regulate commerce, providing, however, (1) that it should not tax exports; and (2) that for twenty years it should not forbid the importation of slaves.

Georgia and South Carolina felt that they must have more slaves to develop their rice swamps, and made it clear that they would not come into the Union unless their interests in this matter were guarded. Virginia, Delaware, and Maryland (and North Carolina in part) had already prohibited the foreign slave trade by State laws. The most powerful advocate of national prohibition upon the trade was George Mason, a great Virginia slaveholder. He pointed out the futility of State restrictions, if the vast Northwest was to be filled with slaves through the ports of South Carolina and Georgia, and he argued therefore that the matter concerned not those States alone. "Slavery," he continued, "discourages arts and manufactures. The poor despise labor when performed



by slaves. They prevent the immigration of Whites, who really strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. *As nations cannot be punished in the next world, they must be in this.*"

*The Judiciary* has been called fitly "*that part of our government on which the rest hinges*": it decides controversies between States, and between State and Nation; it even overrides Congress; and its life tenure makes it independent of control.

1. *A final arbiter* was needed somewhere, in case of conflict between State and Nation. The Virginia Plan gave the decision to the *Federal legislature*. The New Jersey Plan gave it to the *State judiciaries*. It was finally placed in the Federal judiciary by a provision for appeals from State courts. This clause was "the sleeping lion of the Constitution." Its importance seems not to have been fully understood at the time, even in the Convention. Had its bearing been comprehended by the people of the country, the Constitution would almost certainly have failed of ratification.

2. *The power to declare an Act of Congress void* does not come from any express provision of the Constitution. It is based upon *judicial custom* in England and America. Centuries before, in conflicts between king and parliament, English courts had *sometimes* claimed the right to say which authority should prevail. This rare power of the English judiciary had now virtually disappeared, because the English Revolution of 1688 had done away with such conflicts. Throughout colonial times, however, the English privy council, acting as a court of appeal, had voided Acts of colonial legislatures which it thought in conflict with charters or with English laws. As soon as the colonies became States, the State courts assumed the like right to decide between State legislation and more fundamental law (a State constitution, or an ancient principle of the Common law).

Such cases had been very rare. In New Jersey, in 1780, the highest court declared an act of the legislature void because inconsistent with the State Constitution ("Holmes *vs.* Walton") and three of the New Jersey delegates at Philadelphia had been connected with the case, on the bench or as counsel. There was a like decision in Virginia in 1782, and an opinion to the same effect from the North Carolina court just as the Philadelphia Convention was gathering. The Rhode Island case has been described. *These seem to be the only instances from 1776 to 1787*, and, outside the lawyer class, the people resented the practice bitterly. Even within the Convention, some members disliked it; but they understood clearly that the Federal courts *would* test Federal legislation by comparing it with the Constitution, and would void such acts as were "plainly" unconstitutional.

Its power  
to veto  
legislation  
as uncon-  
stitutional

Since that time, however, *the power has been extended*, both by Federal and State courts, to a degree undreamed in 1787 by its most ardent champions.<sup>1</sup> Especially has this been true of the Federal Supreme Court, which, because of its life tenure, has been more independent of public opinion than State Courts have been. Through this development, the Supreme Court has become not merely the "guardian" of the Constitution, but also the chief "amender" of the Constitution.

3. Hamilton and his group failed to get *life tenure* for President and Senate; but they did get it *for the judiciary*. In early English history, the judges had been removable at the king's pleasure. The Stuart tyrants abused this power and debased the courts into servile tools. Therefore the English Revolution of 1688 provided that judges should be *removed only "on address."* That is, a judge held for life, unless two thirds of parliament voted that he should be removed. For such vote, however, no formal

Its life  
tenure

<sup>1</sup> In one year recently (1906) 101 State laws were declared unconstitutional by supreme courts, State or Federal. This peculiar American power of the courts is not a necessary accompaniment of a written constitution. It is not found in any of the European republics with written constitutions.

trial was necessary, or even formal charges of wrongdoing. English courts were made dependent upon the approval of parliament.

But the Federal Constitution gave the courts a tenure more independent than had ever been known in England. Federal judges hold "during good behavior," and can be removed, not by address, but only by impeachment, — *i.e.* conviction for "treason, bribery, or other high crime or misdemeanor," by a two-thirds vote of the Senate, after legal trial upon specific charges. Without affording any opening for such charges, the judiciary may thwart the popular will and the will of every other branch of the government for years.

The men of the Convention meant to establish a true *electoral college* to choose the President. They thought they had done so, and they prided themselves particularly upon this part of their work. They supposed there would be chosen in each State a select body of men, of high social standing and large property, and that these several bodies would appoint a chief executive after calm deliberation. But the growth of sentiment for popular government, *together with the development of party nominations*, has made the electoral college obsolete. The form, indeed, survives. Technically each "elector" is still at liberty to vote his private choice for President and to change his mind, before voting, as often as he likes. But, in reality, each "elector" is chosen to vote for a particular candidate; and unwritten law makes it impossible for him to think of doing otherwise. The "electors" have been transformed into "mere letter carriers." The voter rarely reads their names on the tickets.

The theory  
of checks  
and bal-  
ances in  
England  
and America

Eighteenth century liberals believed in "*checks and balances*" in government. In England, before the year 1400, centuries of struggle against an irresponsible monarchy had built into the "constitution" a system of reciprocal checks. No one part of the government — king, lords, or commons —



could do anything of consequence against the determined opposition of any other part. This elaborate system of balances had been a victory for freedom; and it came to be looked upon as a *necessary* feature of free government. After the publication of Blackstone's law writings (1770), the "separation of powers" (*i.e.* the reciprocal independence of executive, legislative, and judicial departments) became almost an axiom in English political thought.

In reality, however, as we can now see, English *practice* by 1787 was already a century ahead of the doctrine. The Revolution of 1688 had made the popular branch of the government supreme, except for a modified veto by the Lords. The system of "checks" had practically disappeared in England (in favor of a truer democracy), when it was adopted, in most elaborate form, in this American Constitution. Moreover, *while in England it had been originally devised as a protection against an arbitrary monarch, it was adopted in America mainly as a protection against a "turbulent people."* The "balances" in the Constitution have sometimes made for stability, but they have also often produced harmful deadlocks. When the people, after a long campaign, have deliberately chosen a House of Representatives to carry out their settled policy, they often have to wait two years to get around a Presidential veto, and perhaps two years or four years more before they have a chance to change a hostile hold-over majority in the Senate. Even then, a Supreme Court, by a vote of five to four, may nullify the popular will for a generation longer.

Repeatedly the Convention refused to entertain a motion for a bill of rights for men;<sup>1</sup> but, besides the guardianship for wealth expected from Senate, President, and Supreme Court, *it inserted two express provisions to shield property.* (1) *Even the Federal government* Absence of  
a bill of  
rights can take private property only "by due process of law," —

<sup>1</sup> Articles IV and VI of the Constitution, it is true, do contain some essential provisions of a bill of rights, — the strict definition of treason as compared with the meaning of that term in many other countries; the prohibition against *ex post facto* laws and bills of attainder; and the restriction upon suspension of the writ of habeas corpus.

*i.e.* through the decision of a court after judicial trial; and (2) *the States* are forbidden to pass any law "impairing the obligation of contracts." By reason of these Security for property clauses, says President Hadley of Yale, *property interests in America are "in a stronger position against any attempt at government control than they are in any European country."* (*The Independent*, April 16, 1908.)

President Hadley points out that the first provision has resulted in "preventing a majority of the voters, acting in the legislature or through the courts (the convenient European methods), from correcting evils in railroad building or factory operation *until the stockholders or owners have had opportunity to have the case tried in the courts*"; and, as the same article makes plain, the courts have usually been inclined to favor the vested property interests. The pernicious results of the second provision could not well have been foreseen. They have come about through a remarkable decision of the Supreme Court (the Dartmouth College Case, 1819) extending the meaning of the word "contract" to include even the *grants* of privilege and power *made by a State itself* to public-service corporations. As a consequence, many such corporations have been inviolably entrenched, for an indefinite period,<sup>1</sup> in special privileges which they got from corrupt legislatures and for which they give no fit return to society. In the hundred years from 1803 to 1903, the Federal Supreme Court declared fifty-seven State laws unconstitutional on the ground that they impaired the obligation of some "contract." Most of these had aimed only at needful regulation of great corporations in the interest of social well-being, — such legislation as is common in European democracies like England or France or Switzerland.

<sup>1</sup> According to the spirit of this decision, unless the State has limited the lifetime of a grant, or has expressly reserved its own right to change the grant at will, the grant runs *forever*. In recent years, the States have in great measure guarded themselves against such danger *for the future* by *expressly* reserving their right to modify all such grants. A recent amendment to the constitution of Wisconsin runs: "All acts [dealing with corporations] may be altered and repealed by the legislature *at any time*." This provision, now, is a part of the "contract" when the Wisconsin legislature grants a franchise.

The Convention would have liked a much more aristocratic Constitution; but the members saw that if the Constitution were clearly less democratic than a given State constitution, it would be hard to secure <sup>Democracy inevitable</sup> ratification in that State. It was not going to be easy to get States enough at best. And so *we owe such democratic character as the Constitution has, in great degree, to the relatively unknown men, who, ten years before, framed the Revolutionary State constitutions.*

This was shown in the *settlement of the franchise*. The House of Representatives was the only part of the government left to be chosen directly by "the people." <sup>The</sup> But who were "the people" in this political sense? <sup>franchise</sup> Hamilton, Morris, and Dickinson strove earnestly to limit the franchise to freeholders, — so as to exclude "those multitudes without property *and without principle*, with whom our country, like all others, will, in time, abound." Even Madison expressed himself as theoretically in favor of such restriction, fearing that a propertyless majority would either plunder the rich or become the tools of an aristocracy. Franklin argued vigorously against the restriction, urging the educational value of the franchise for the masses; and George Mason, in the language of his bill of rights of 1776, declared, "The true idea is that every man having evidence of attachment to the community, and permanent common interest with it, ought to share in all its rights and privileges." *But the defeat of the restriction was due not to these lonely champions, but to the reminder that in more than half the States the State franchise was already wider than landholding,* and that no voter could be expected to favor a Constitution that would disfranchise him in the Federal government. The provision finally adopted, therefore, aimed to keep the franchise as restricted as was compatible with probable ratification. The Federal franchise was to be no wider in any State than the State franchise in that State.

This arrangement worked, unexpectedly, for democracy. The States, acting one by one, modified their constitutions in the direction of democracy faster than one great unit like



the Nation could have done; and as any State extended its own franchise, so far it extended also the Federal franchise.

The “two critical decisions” of the Federal Convention were: (1) *to substitute* a new plan of government, — instead of trying merely to “patch up” the old constitution; and (2) *to put that new government into operation when it should be accepted by nine States*, without waiting for all of them. This last decision was directly contrary to instructions from the State legislatures which had appointed the delegates. It was also in conflict with a specific provision in the Articles of Confederation, — to which the States had solemnly pledged “their sacred faith.” But men had come to see that America must either strangle in the grip of the old constitution, or she must break its bonds. Constitutional remedy had proved impossible. Wisely and patriotically the Convention recommended an unconstitutional remedy, and the country adopted it. The ratification of the Constitution was a peaceful revolution. A friendly looker-on wrote: —

“Here, too, I saw some pretty shows: a revolution without blows:

For, as I understood the cunning elves, the people all revolted from themselves.”

When Congress received the Constitution from the Convention, it recommended the State legislatures to call State conventions to accept or reject it. The contest was now transferred from Philadelphia to the country at large. The advocates of the “new roof” shrewdly took to themselves the name *Federalists*,<sup>1</sup> instead of the unpopular term Nationalists, and so left to their opponents only the weak appellation *Antifed-*

<sup>1</sup> Luther Martin of Maryland, who withdrew from the Philadelphia Convention towards its close, in justifying his action to the Maryland legislature, explains that the Convention had voted down a resolution for a “federal” form of government and had adopted instead a resolution for a “national government”: “Afterwards the word ‘national’ was struck out by them, because they thought the word might tend to alarm; and although now they who advocate this system pretend to call themselves *federalists*, in Convention the distinction was quite the reverse.”

*eralists*. A torrent of pamphlets and newspaper articles issued from the press,<sup>1</sup> and every crossroads was a stage for vehement oratory.

The proposed Constitution was attacked partly for its encroachments on the States, partly for its undemocratic features. Opponents pointed to the absence of a bill of rights, and to the infrequency of elections, and to the vast powers of the President and Senate (parts of the government remote from popular control). George Mason asserted that such a Constitution "must end either in monarchy or tyrannical aristocracy," and a sarcastic democrat, claiming to be a Turk, praised the Constitution for "its resemblance to our much admired Sublime Porte." The real source of apprehension, however, was not any specific provision in the document so much as a vague distrust of the aristocratic Convention. Many people believed sincerely that the meeting at Philadelphia had been a "deep and dark *conspiracy* against the liberties of a free people." Thus "John Humble" ironically exhorted his fellow "low-born," dutifully to allow the few "well-born" to set up their "Divine Constitution" and rule the country.

Still both parties had to admit the seriousness of the existing situation. The Antifederalists had no remedy to propose. The Federalists offered one for which they claimed no peculiar excellence, but which, they urged, did offer escape from anarchy, — probably the only escape likely to be available. Under such pressure, many a flaming Antifederalist, elected to a State convention expressly to reject the Constitution, came over to its support; and more personal arguments were not omitted. In Massachusetts the Federalists brought over Hancock by promising him a reelection as governor and apparently implying strongly that he should be the first Vice-President of the new government.

The Constitution was sent forth September 17, 1787. A strenuous nine-months campaign brought it a bare victory.

<sup>1</sup> The most famous set of such essays appeared week after week in New York papers under the title *The Federalist*, written by Hamilton, Madison, and Jay.

Organized and ready, the Federalists at first carried all before them, securing ratification during December and January in Delaware, New Jersey, Georgia, Connecticut, and, after a bitter struggle, in Pennsylvania. A long debate and the tardy aid of Sam Adams converted a hostile majority in Massachusetts, by a close vote; and somewhat later, Maryland and South Carolina were added to the list, making eight States.

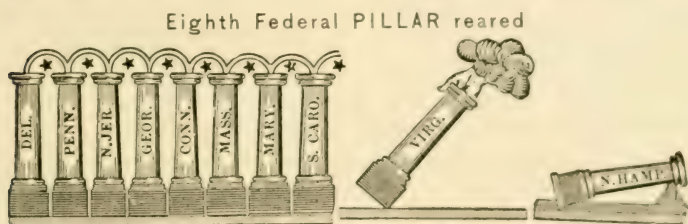
The remaining States were long doubtful or opposed. North Carolina and Rhode Island refused to ratify. They could be spared,—as perhaps could have been New Hampshire, whose convention had adjourned for some months without action; but a failure in New York or Virginia would have upset the whole movement. In the conventions of both these States, as in that of Massachusetts and Pennsylvania, there was at first a strong hostile majority; and, after many weeks of argument and persuasion, to have defeated ratification would have required in the final vote a change in Virginia, of only 5 out of 168, and in New York, of 2 out of 57. Even these slim majorities for the Constitution were obtained only by pledges from the Federalists that they would join in getting certain desired amendments as soon as the new government should be in working order.

In general the commercial centers favored the Constitution, while the agricultural and especially the western sections opposed it. In all the critical States a direct vote of the people would surely have rejected it. There was only one such test. The Rhode Island legislature, instead of calling a convention, distributed copies of the Constitution among the voters and provided for a popular vote. The Federalists, certain of defeat, declaimed against this method, and remained away from the polls. The vote stood 2708 to 232, against ratification. Two years later, a convention accepted the Constitution, 34 to 32.

The New Hampshire convention changed its mind, and ratified on June 15, 1788 (making the ninth State); but



the absolutely essential accession of Virginia did not take place until June 25, — just in time for word to reach the North for the Fourth of July celebrations. At Albany the news caused the wildest excitement. The Federalists celebrated by firing ten guns for the new government. The Antis retorted with thirteen guns for the Confederation, which, they claimed, was still the constitutional government. Afterwards, they made a bonfire of a copy of the new Constitution and of the handbills announcing Virginia's ratification. In the ashes, the rallied Federalists planted a lofty pole with another copy of the Constitution nailed to the top. This Federalist jubilation was justified. The



From the *Boston Independent Chronicle*, June 12, 1788. (The *Chronicle* guessed wrong as to the order of the 9th and 10th states.)

influence of Virginia's accession and the tireless logic of Hamilton at last prevailed in the New York convention, and the new Constitution had won.

Who ratified the Constitution? The several States, as States? Or one consolidated people? The second view rests wholly on the opening words of the preamble: "We, the people of the United States . . . do ordain and establish this constitution." Merely as language, these words have no more value than the Fifth Article of the Constitution, which says twice that the ratifying parties are the States: and such slight significance as the preamble might otherwise have disappears upon tracing its history.

Ratification  
by States  
or Nation?

The preamble appeared first in the report of the Committee of Detail; but it then read "We, the people of the

*States of New Hampshire, Massachusetts, Rhode Island* [and so on through the list] do ordain," etc. Plainly, this did not mean a consolidated nation. It meant thirteen peoples, each acting *directly, not through legislatures*. The Convention accepted this wording *without debate*. Almost at the close of the Convention, the Committee on Style changed the words to their present form. No explanation was ever made by a member of the Convention for the change, but it explains itself. *The Convention had now decided to put the new government into operation between the first nine States ratifying*. It was impossible to name these in advance, and it would be highly improper to name any which might not come in; so all names were dropped out. *No change of meaning* was designed. *The new form, like the first, was accepted without debate*.

Outside the Convention, however, this was at first not understood; and States-rights men feared that the wording did mean a consolidated people, — until Madison assured them that it did not. Samuel Adams wrote to Richard Henry Lee, "I stumble at the threshold." And in the Virginia Convention, Patrick Henry exclaimed, — "What right had they to say, 'We, the people' . . . instead of 'We, the States'? If the States be not the parties to this compact, it must be one great consolidated national government of the people of all the States." Madison answered: "Who are the parties? The people; *but not the people as composing one great body*: the people as composing *thirteen sovereignties*." Otherwise, he adds in proof, a majority would bind all the States; "but, sir, no State is bound, as it is, without its own consent." And he went on to explain that the words mean only that *in each State* the people were to act in the most solemn way, not merely through the usual legislative channel.

In the *Federalist* (No. 39) Madison amplified this thought: Ratification "is to be given by the people, *not as individuals*, but as composing the distinct and independent States to which they respectively belong. It is the assent and rati-

fication of *the several States*, derived from the Supreme authority in each State, — the authority of the people themselves [not merely from the subordinate authority of the State legislature] . . . *Each State*, in ratifying the Constitution, *is considered as a sovereign body*, independent of all others, and only to be bound by its own voluntary act."

This answer was final at the time. But thirty years later, the doctrine of ratification by a consolidated people was revived by Chief Justice Marshall. It was soon given added emphasis by the massive oratory of Daniel Webster, and the idea took its place in the mind of the North as an essential article in the creed of patriotism. The plain historical fact, however, is that the thirteen States, looking upon themselves as thirteen distinct sovereignties, and, feeling absolutely free either to accept or reject the Constitution, did decide to accept it, — and, *by so doing, made possible the future development of one nation*. Says William McDonald (*Jacksonian Democracy*, 109, 110): —

"Webster's doctrine of 'the people' was a glorious fiction. It has entered into the warp and woof of our constitutional creed; but it was *fiction*, nevertheless. . . . *If anything is clear* in the history of the United States, it is that the Constitution was established by the *States*, acting through conventions authorized by the legislatures thereof, and *not by the people of the United States*, in any such sense as Webster had in mind. . . . No theory could have a slighter foundation."



## CHAPTER XVI

### FEDERALIST ORGANIZATION

#### I. MAKING THE CONSTITUTION MOVE

SEPTEMBER 13, 1786, the dying Continental Congress provided for elections under the new Constitution. Nine States were present when that vote was taken. A week later, the attendance had sunk to six States. Thereafter, to keep up a shadow of government, a few delegates met day by day, had their names recorded in the journal, and then adjourned to some favorite tavern. Congress expired for want of a quorum several months before the new government was organized.

The elections that made Washington President were very different from elections in a presidential campaign now.

The election of Washington Rhode Island and North Carolina had not yet come into the union, and New York lost her vote

(as explained on the next page). Thus only ten States took part. In six of these, the *legislatures* chose the presidential electors. Pennsylvania, Maryland, and Virginia chose them by *popular vote, in districts*. Massachusetts used a quaint union of these two methods (the people in each Congressional district *nominating* three electors from whom the legislature *chose* one — with two more at large to make up the proper number). *In no State did the people elect directly, on one general ticket*, as is almost always done to-day.

Two legislatures gave forceful illustrations of the bitterness of party spirit and of disregard of the people's will by

Peculiarities of the election “delegated” government. In elections by legislatures, custom favored a *joint ballot* (the two Houses voting as one body); and this method was used without question in five of the six States which chose electors by legislatures. But in New Hampshire, the upper House

was Federalist, while the more numerous and more representative lower House was Antifederalist. The Senate insisted upon a *concurrent vote* — as ordinary bills are passed — so that it might have a veto on the other House. The wrangle lasted for weeks. At the last moment, the *larger* House surrendered, and chose electors acceptable to the smaller one. In New York the situation was similar; but there the Antifederalist House refused to yield its right, and that State lost its vote altogether.

There had been no formal nominations. Washington received the 69 votes cast for President. For Vice President there was no such agreement. Some of the Antifederalists hoped to elect George Clinton of New York, Hamilton's chief adversary there; but the plan fell to pieces when New York failed to take part in the election. Eleven names were voted for by the 69 electors. John Adams was elected, but by only 34 votes, — one less than half, but enough before the Twelfth amendment.

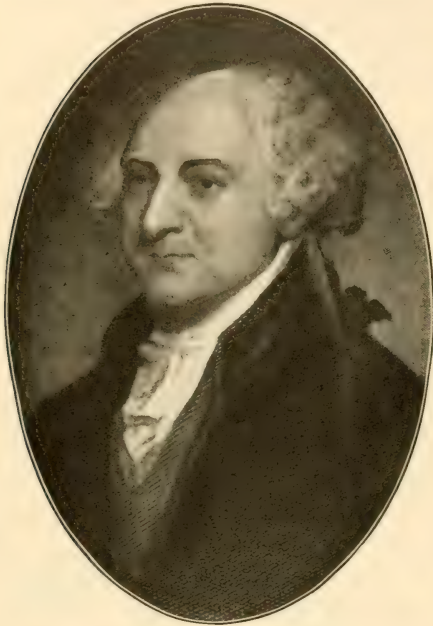
The Continental Congress had named the first Wednesday in March for the inauguration of the new government at New York City. On that day, however, only 8 Senators, out of 22, and 13 Representatives, out of 59, had arrived, and *the electoral votes could not be counted*. The two Houses met from day to day, for roll call, and sent occasional urgent entreaties to dilatory members in neighboring States; but not till almost five weeks later (April 6) was the necessary quorum secured. On April 30, Washington was inaugurated with great state and solemnity. It is easier to understand these delays when we remember that Washington, now nearly sixty years old, had to make the twelve-day journey from Mount Vernon to New York *on horseback*.

For nearly three weeks, Congress wrangled over matters of ceremony. After solemn deliberation, the Senate recommended that Washington be styled "*His Highness, President of the United States of America and the Protector of the Liberties of the Same*." (John Adams would have preferred "*His Majesty*"

Dilatory  
methods of  
Congress

The ques-  
tion of titles  
and royal  
forms

the President.”) The more democratic Representatives insisted on giving only the title used in the Constitution — “President of the United States.” Finally this House sent an address to Washington by this title; and the Senate had to lay aside its tinsel.



JOHN ADAMS. From the Stuart portrait, now belonging to the New York Historical Society.

During the debate, one particularly quaint episode occurred. The minutes of the Senate referred to the speech with which Washington had “opened” Congress as “His most gracious speech.” This was the form always used in the English parliament regarding the speech from the Throne. Senator Maclay objected to the phrase, and finally it was struck from the record. Vice President Adams, however, defended it hotly, declaring (accord-

ing to Maclay) that if he could have foreseen such agitation, he “*would never have drawn his sword*” against England in the Revolution. Maclay tells<sup>1</sup> us, too, that Adams (presid-

<sup>1</sup> William Maclay, from western Pennsylvania, was one of the few democratic Senators. During his term of office he kept a diary, quite in the Pepys style, with exceedingly intimate entries (as to weekly or more occasional baths, for instance) but also with much exceedingly valuable matter. This *Journal* should be accessible to every student of this period. Maclay was an honest, well-meaning, rather suspicious man, without breadth of view, or social graces, but with an ardent belief in popular government. He was no hero worshiper. John Adams (his pet aversion) is credited with “a very silly kind of laugh . . . the most unmeaning simper that ever dimpled the face of folly.” Madison is styled “His Littleness.” Hamilton appears with “a very boyish giddy manner.” And even Jefferson wears “a rambling, vacant look.”



ing in the Senate) spoke forty minutes from the chair in opposition to the simple form of title for the President. "What," he exclaimed, "will the common people of other countries, what will the sailors and soldiers, say of 'George Washington, President of the United States'? They will despise him to all eternity!" On the other hand, Senator Grayson of Virginia wrote indignantly, in a letter to Patrick Henry, — "Is it not strange that John Adams, son of a tinker and creature of the people, should be for titles, dignities, and preheminences!" And Jefferson, in Paris, exulted at the defeat of the proposed title: "I hope that the titles of Excellency, Honor, Worship, Esquire, forever disappear from among us from that moment. I wish that of Mr. ["Master," still connoting social rank] would follow them."

Soon after, the struggle was renewed on the bill to establish the mint. It was proposed that each coin should bear the image of the President during whose administration it was coined — after the fashion of all royal coinage. A few radicals attacked this "disposition to ape monarchic practice," and the proposal was dropped, in favor of the use of an emblematic and none too artistic "Goddess of Liberty."

It has been too much the custom to ridicule the objectors to these "harmless" forms and titles in this critical struggle for simplicity. The titles were "harmless"; but the spirit in which they were demanded was not. That spirit was quite as violent and ridiculous as was the democratic opposition to it. The aristocrats believed that government ought to be hedged about with ceremonial to secure due reverence from its "*subjects*." It is easy to find matter for laughter in some acts of the democratic opposition; but at least let us acknowledge gratefully our debt to it for turning the current of American practice away from Old World trappings of childish or slavish ceremonial toward manly simplicity and democratic common sense.

Victory for  
simplicity  
and de-  
mocracy

Other questions had to do not merely with ceremony, but with power. The Constitution requires the consent of the Senate to Presidential appointments and to treaties,

but does not say how that consent shall be given. Washington and his Cabinet were at first inclined to treat the Senate as an English monarch treated his Privy Council. When the first nomination for a foreign minister came up (June 17), Vice President Adams attempted to take the "advice and consent" of the Senators one by one, *viva voce*. This attack upon the independence of the Senate was foiled by Maclay, who insisted upon vote by ballot.

A still more important incident concerned a treaty with certain Indian tribes. Instead of sending the printed document to the Senate for consideration (as is done now), *Washington came in person* (August 22), took the Vice President's presiding chair, asked Secretary Knox to read the treaty aloud (which was done hurriedly and indistinctly), *and then called at once for "advice and consent," to be given in his presence*. As Maclay properly observes, there was "no chance for a fair investigation while the President of the United States sat there with his Secretary of War to support his opinions and overawe the timid and neutral." The question was being put, when Maclay's sturdy republicanism once more intervened. He called for certain other papers bearing on the subject, and this resulted in postponement. Maclay asserts that Washington received the first interruption with "an aspect of stern displeasure," and that at the close he "started up in a violent fret," exclaiming, "This defeats every purpose of my coming here." The whole incident should give some comfort to those Americans who grieve at recent dissensions between President and Senate over treaties of mightier import.

The Constitution, by its language, *suggests* single heads for executive departments (rather than the committees customary under the old Confederation). Congress at once established the departments of State, Treasury, and War, — together with an Attorney-Generalship. Washington appointed as the three "Secretaries," Jefferson, Hamilton, and Henry Knox, and made Edmund

Evolution  
of Con-  
stitutional  
practice :  
President  
and Senate

Evolution  
of the  
Cabinet

Randolph the Attorney-General. These officials were designed, *separately*, to advise and assist the President; but neither the Act of Congress nor the Constitution made any reference to them as a *collective* body, — that is, as a “Cabinet.” Indeed, several proposals for such an advisory council had been voted down in the Federal Convention. Only by custom has the Cabinet become an important part of our government. The Constitution provides merely that the President “*may* require the opinion, *in writing*, of the principal officer in each of the executive departments, upon any subject *relating to the duties of their respective offices*.” This gives no warrant for asking advice, for instance, from the Secretary of War upon a matter of finance; but almost at once Washington began to treat the group as one official family. When he was troubled as to the constitutionality of the Bank Bill (page 312), he asked both Hamilton and Jefferson for written opinions; and, in 1793, when the war between England and France raised serious questions as to the proper policy for America (page 321), he called the three Secretaries and Randolph into *personal* counsel *in a body*. This was the first “Cabinet meeting.”<sup>1</sup>

The Constitution made it the duty of Congress to provide a Supreme Court. The “original jurisdiction” of that Court was stated in the Constitution; but Congress The Judiciary Act of 1789 *was left at liberty to regulate the appellate jurisdiction, and to provide inferior courts, or not, at its discretion.* A *Judiciary Act of 1789* established a system of which the main features still remain. (1) A Supreme Court (a Chief Justice and five Associate Justices) was created, to sit at the Capital; (2) thirteen *District Courts*, each with a resident

<sup>1</sup> From time to time Congress has decreed new departments. In 1798 a *Secretary of the Navy* was given part of the duties of the old Department of War. The Post Office was established in 1790 as a part of the Treasury Department, but in 1829 the *Postmaster General* became the equal of the other heads of departments. In 1849 there was added a *Department of the Interior*, and out of this were carved the *Department of Agriculture*, in 1889, and the *Department of Commerce and Labor* in 1903. The last was again divided in 1913 into the *Department of Commerce* and the *Department of Labor*. The Attorney General became the head of a *Department of Justice* in 1870.



judge, were established, covering the entire Union; and (3) *appeals to the Supreme Court* were provided for, not only from inferior Federal courts, *but also from any State court, in all cases where such a court had denied any right or power claimed under a Federal law or treaty or under the Constitution.*

This part of the law still makes the Federal judiciary the "final arbiter" between States and Nation. Congress might have given very narrow limits to the appellate power, but this great law extended that power so as to include every possible case of conflict between States and Nation.

The establishment of the inferior Federal courts also greatly magnified the authority of the Federal judiciary at the expense of State courts, since it made Federal courts much more accessible than if there had been only one court, fixed at Washington.

*On the other hand, the power of the Supreme Court was soon limited by an amendment to the Constitution.* The first decision "Chisholm vs. Georgia" to draw public attention to its enormous powers was in the case of *Chisholm vs. Georgia*, in 1793. Chisholm, a citizen of South Carolina, sued to recover a debt from the State of Georgia. The Constitution states that "the judicial power shall extend . . . to controversies between a State and citizens of another State." Georgia, however, claimed that this phrase meant only that a State could sue private citizens in the Federal Court, not that a State could itself be sued *by* private individuals. The words must be taken in the light of the State-sovereignty ideas of that era; and, beyond all doubt, this understanding of Georgia was the general understanding when the Constitution was ratified. In the ratifying conventions, fear had been sometimes expressed that the clause might enable a private citizen to sue "a sovereign State." *In all such cases*, the leading Federalists explained that such meaning was impossible. Madison, in the Virginia convention, declared the objection "without reason," because "it is not in the power of individuals to call any State into court." In the

same debate, John Marshall (afterwards Chief Justice), in defending the clause, exclaimed: —

“I hope no gentleman will think that a State will be called at the bar of a Federal Court. . . . It is *not natural* to suppose that the *sovereign power* should be dragged before a court. *The intent is to enable States to recover claims against individuals residing in other States.*” And Hamilton in the *Federalist* (No. 81) declared any other view “altogether forced and *unaccountable*,” because “it is inherent in the nature of *sovereignty* not to be amenable to the suit of an individual without its own consent.”

Now, however, the Court, by a divided vote, assumed jurisdiction. Georgia refused to appear, and judgment went against her. Georgia thereupon threatened death “without benefit of clergy” to any Federal marshal who should attempt to collect the award. Civil war was imminent. Similar suits were pending in other States, and there was widespread alarm. The legislatures of Massachusetts, Connecticut, and Virginia passed vigorous resolutions denouncing the Court’s decision as “dangerous to the peace, safety, and independence of the several States.” Then Congress by almost unanimous vote submitted to the States the Eleventh amendment, which was promptly ratified. This amendment reversed the decision of the Supreme Court, and completely upheld Georgia’s contention.

By like action, even earlier, the people had sought to limit the powers of the Federal government by modifying the written document that defined those powers. In- deed such limitation was essentially part of a bar- of Rights “gain which had secured the ratification of the Constitution (page 296). Seven of the ratifying State-conventions had proposed amendments to the Constitution, 124 in number, and the more important ones the Federalist leaders had pledged themselves to secure. Accordingly, early in the first session of the first Congress, Madison introduced a list of twenty amendments. Twelve were adopted by Congress, and ten were ratified by the States. *These are commonly known as “The Bill of Rights,”* and they supply a lack which had been

generally and vehemently criticized. They forbid *Congress*<sup>1</sup> to interfere with freedom of religion, freedom of the press, or freedom of petition, and they prohibit general warrants or excessive bail or cruel and unusual punishments. They further guarantee to citizens a right to trial by a jury of the neighborhood in criminal accusations and in civil cases when the amount in dispute exceeds twenty dollars. The Ninth and Tenth amendments emphasize the idea that the Federal government is limited to those powers enumerated in the Constitution. Recently the aftermath of the World War has given peculiar importance to the First amendment: "Congress shall make *no* law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

## II. HAMILTON'S FINANCE

Congress made appropriations the first year amounting to \$640,000 — about one hundredth as much *per citizen* as the cost of government in recent years, even before the World War — and it provided for this expense by a *low tariff*. The rates averaged about  $7\frac{1}{2}$  per cent, and the bill was based upon the idea in the attempted "revenue amendments" of 1781 and 1783 (page 239). Pennsylvania members, however, secured some alterations intended to "protect" American manufactures, and this purpose was finally stated in the title of the bill. Strictly speaking, however, the law remained a *tariff for revenue*, with "incidental protective features."

Meanwhile Hamilton, with marvelous skill and industry, had worked out a plan to care for the old debts and to put the chaotic finances of the nation in order. First he rec-

<sup>1</sup> These amendments were intended to restrict the *Central government* only, but many people think of the restrictions as applying to the States, also. *Congress* can give no religion preference over another; but a *State legislature* may do so, — unless forbidden by the State constitution. Some States did have "established churches" for many years longer.



commended that the government "*fund*" the *continental debt* (both the \$11,500,000 due abroad and the \$40,500,000 of "certificates" held at home), by taking it up, *at face value*, in exchange for *new bonds* payable in fifteen and twenty years. (About a third of this domestic debt consisted of unpaid interest.)

Funding the  
National  
debt

To make full provision for the foreign part of this debt was inevitable, if the United States was to have standing among the nations. Congress gave unanimous approval to this part of the scheme, but many members objected to taking over *in full* the old domestic debt. For the most part, the "certificates" had passed into the hands of speculators, at twelve or fifteen cents on the dollar; and, it was argued, there was neither necessity nor propriety in voting fortunes out of the people's money to men who had so traded on their country's needs. Nine Congressmen out of ten, at their election, had intended to scale down this debt. Hamilton maintained forcefully, however, that only full payment would establish national credit or redeem the faith pledged by the old Congress as the price of Independence; and this view prevailed. On the other hand, the \$200,000,000 of Continental currency, held mainly by the common people instead of by profiteers, was practically repudiated. That currency was much the larger part of the Revolutionary debt. In view of this, the talk of "redeeming our sacred faith" has a peculiar sound. Hamilton's plan is to be praised because it was wise, not because it was particularly honest.

The contest  
over the  
domestic  
debt

Even before Hamilton's proposals were laid before Congress, his purpose leaked out; and wealthy men in New York and Philadelphia hastily started agents in swift-sailing vessels for distant States, and on horseback for the back counties, to buy up certificates at the prevailing prices, before the news should arrive. Indeed, many believed that Hamilton himself was corruptly interested in this speculation. From this charge, happily, he can be absolutely acquitted; but he had been careless in letting out official

secrets to less scrupulous friends, and some of his strongest supporters in Congress *were* among these "speculators."

Hamilton planned also for the Federal government to assume the war debts of the States (\$22,000,000). This part of his scheme was long in danger. States that had already paid their debts resented bitterly the prospect of now having to help pay also the debts of other States; and States-rights men denied the right of Congress to *assume* debts. The measure was finally carried by a log-rolling bargain, — one of several attempted by Hamilton for the purpose. Jefferson was persuaded to get two Virginia votes for "assumption," in return for Hamilton's promise of Northern votes to locate the Capital on the Potomac. Thus the total debt of the new nation was some 74 millions — or about as much per head as the *annual* expenses of government a century later. (Several arrangements made it really less than this. Some of the domestic debt was paid in wild lands.)

All this was vigorous financiering. American credit was established at a stroke. Confidence returned at home. Money came out of hiding, and we entered upon an era of business prosperity. As Daniel Webster afterward said, Hamilton "smote the rock of national resources, and abundant streams of revenue gushed forth. He touched the dead corpse of national credit, and it sprang upon its feet."

But Hamilton's work was *more* than mere financiering. *The great Secretary cared as much for the political results as for the financial.* He saw that these measures would be "a powerful cement to union" "by arraying property on the side of the new government." Especially was this true of *assumption*. If that part of the plan had failed, then all holders of *State* bonds would have been inclined to oppose

National taxation as a hindrance to State taxation — whereby they themselves would have had to be paid. After "assumption" carried, all such creditors were transformed into ardent advocates of the new government and of every extension of its powers; because the stronger it grew and

Assumption  
of State  
debts

More than  
financier-  
ing: the  
support of  
property  
interests  
won

the more it taxed, the safer their own private fortunes. *The commercial forces of the country were consolidated behind the new government.* Jefferson soon regretted bitterly his aid to this centralizing force, and complained that (just back from France) he had been tricked by Hamilton. "Hamilton's system," said he, "flowed from principles adverse to liberty, and was calculated to undermine the Republic."

The victory of "assumption" made a larger revenue necessary. Another part of Hamilton's plan dealt with this need. In accord with his recommendations, <sup>New</sup> duties were increased slightly on goods imported <sup>taxes</sup> from abroad; and, in 1791, Congress imposed a heavy excise on spirits distilled at home. In that time, whisky, a universal drink, was manufactured in countless petty stills scattered over the country, especially in the poorer western countries, where the farmer could not market his grain in any other way. A pack horse could carry not more than four bushels of grain; but, reduced to the form of whisky, he could carry twenty-four bushels. Western Pennsylvania is said to have had 3000 stills.

These small producers in the western districts rarely saw much currency; and they felt it a cruel hardship to have to pay the tax, particularly *in advance of* <sup>The Whisky</sup> *marketing the whisky.* The legislatures of North <sup>Rebellion</sup> Carolina, Virginia, Maryland, and Pennsylvania passed vehement resolutions condemning the law; and *in four western counties of Pennsylvania* the United States officials were driven out or set at naught for three years, — by methods that make a curious parody upon those used toward English officials in the years before the Battle of Lexington. *This was the Whisky Rebellion,* — the first rebellion against the Federal government. Finally, under Hamilton's advice, Washington marched 15,000 militia from neighboring States into the insurgent counties, and obedience was restored. Two leaders were tried for treason and condemned to death, but they were pardoned by Washington.



The most important result of the whisky tax was not the increased revenue, but the demonstration that the new government was able and determined to enforce its laws.

Hamilton also persuaded Congress to incorporate a *National Bank*. The government held part of the stock, and

The first  
National  
Bank

named some of the managing Board. In return, the Bank acted as the agent of the government in securing loans, and took care of the national funds.

There was a central bank at Philadelphia, with branches in other leading cities. Critics soon pointed out a danger that a bank connected with the government might exert tremendous political influence for the party in power by granting or refusing loans. But banking facilities had been meager; *and the convenience of this institution bound the commercial classes still more closely to the new government.*

The creation of the Bank led to the doctrine of "*implied powers*" in the Constitution (page 285). To create a cor-

And  
"implied  
powers"

poration is not among the powers "enumerated" for Congress. Indeed, efforts to include that particular power had been defeated in the Phila-

delphia Convention. Hamilton, however, insisted that the authority was given by the "necessary and proper" clause. "Necessary," he urged, meant only "suitable"; and a national bank would be a suitable and convenient means to carry out the enumerated powers of borrowing money and caring for national finances. After serious hesitation, Washington signed the bill. He had invited opinions from Jefferson as well as from Hamilton (page 305); and the debate between the two great Secretaries began the dispute as to "strict construction" and "loose" or "broad" construction of the Constitution.

### III. NORTH AND SOUTH

From the first, *the serious contests under the new government were sectional*. The conflicts upon assumption, the tariff, the

Sectional  
disputes

Bank, had all been conflicts between North and South, — commercial section and agricultural sec-

tion. This sectionalism was intensified by the slavery ques-

tion. In the North, and as far south as through Virginia, antislavery sentiment was gradually growing. Some States had abolished slavery; some were making arrangements for gradual emancipation; others had at least forbidden importation of slaves. In the first session of the First Congress, a Virginia representative moved a national tax of ten dollars a head upon all slaves imported into any State. After a bitter debate the matter was dropped. At the next session, two petitions were presented from Pennsylvania (cf. page 130) praying Congress to use its "constitutional powers" to limit slavery and protect the Negro. The resulting debate was as fierce as any in our history, bristling with vituperation and with *threats of secession*; and the House finally adopted resolutions declaring that it had *no* "constitutional power" to interfere with the treatment of slaves, or to abolish slavery, within any State. The unquestionable fact that it *had* power to regulate the treatment of slaves on the high seas and in the Territories it chose not to allude to.

The next move came from the South in a demand for a *Fugitive Slave Law*, and in 1793 there was passed a disgraceful statute. The Constitution sanctioned slavery and made it the legal duty of Congress to provide the necessary machinery for the capture and return of fugitive slaves; but the law should at least have given to any Negro, claimed as a slave, the benefit of the doubt, until proof of the claim was complete. The presumption should have been in his favor. Such, indeed, was the maxim of the Roman Imperial law. But this American law followed rather the medieval maxim that a masterless man must belong to some master. It was a base surrender of human rights to property rights. *It assumed that the claim of a pretended master was good unless disproved by evidence.* No jury trial was provided, and a free Negro, seized in a strange locality, might easily find it impossible to prove his freedom, — especially as *the law failed to provide for summoning witnesses.* A crushing fine was provided for any citizen aiding a Negro who might

The first  
Fugitive  
Slave law

prove to be an escaped slave. *In every detail the presumption of the law was against the Negro.*<sup>1</sup>

The reunion of the old thirteen States was completed by the ratification of the Constitution in North Carolina (November, 1789) and in Rhode Island (1790). Almost at the same time began the expansion of the Union through the admission of new States, — Vermont in 1791, and Kentucky in 1792. Toward the close of the Federalist period, Tennessee was admitted (1796); and in 1802, early in the following period, Ohio came in. The admission of these new States brought into high relief the dangerous sectional division in the Union, but it also helped to set in motion two wholesome forces.

Of the original thirteen States, seven were north of Mason and Dixon's line; but some of these were still slave holding States, so that the Slave and Free sections were not unequal. The bills for the admission of Kentucky and Vermont were passed within a few days of each other, in order to maintain the balance, — especially in the Senate, — between the forces for and against slavery.

Both Kentucky and Vermont gave the franchise to all White males twenty-one years of age. These were the first States with "manhood franchise." Tennessee and Ohio did not go quite so far; but they also were much more democratic than the older States. The admission of Western States began at once to introduce greater democracy into the Union.

<sup>1</sup> In a more enlightened age the courts would have held the law unconstitutional. It neither provided securities for the accused *in criminal cases* (if the claim that a Negro was an escaped slave constituted a criminal case), nor insured the jury trial guaranteed by the seventh amendment *in civil cases*. But law, after all, is merely what the courts, sustained by public opinion, declare it to be. This abominable statute was sustained by American courts; and, under its sanction, gangs of kidnapers could, and sometimes did, carry off free men to a horrible slavery. After some fifty years (in the famous *Prigg v. Pennsylvania* case) the Supreme Court of the nation definitely upheld the constitutionality of the law, *except as to the provision requiring State officials to act as Federal officers in carrying it out* (1842). The more active public opinion of the forties took advantage of this leak to undermine the operation of the law. Then the Fugitive Slave Law of 1850 merely reenacted the old abuses with more efficient machinery; *i. e.* with special Federal commissioners to enforce them.



The new commonwealths had never known political existence as sovereign bodies. They were the children of the Union, created by it and fostered by it; and the tendency to nationality was stronger within their borders than within the original States. The most powerful single force in our history on the side of union has been this addition of the many new States carved out of the national domain.



PAUL REVERE'S ENGRAVING OF HARVARD IN 1770.

## CHAPTER XVII

### DECLINE OF THE FEDERALISTS

#### I. RISE OF POLITICAL PARTIES

THE first three years of Washington's administration saw no political parties. The adoption of the Constitution ended the first party contest. The Federalists were left, almost without opposition, to organize the government they had established, and, within a few months, party lines were wiped out. It is sometimes said that Washington tried to reconcile the two old parties and so appointed to his Cabinet two leaders from the Antifederalists, — Jefferson and Randolph. This is absurd. Jefferson had criticized the Constitution, — though less severely than Hamilton had, — but he, too, had used his influence for its ratification. And, though Randolph refused to sign the final draft of the Constitution at Philadelphia, he had, afterward, in the Virginia convention, been one of the chief leaders for ratification. The Cabinet represented merely the different wings of the old Federalist party.

But elements were present for new divisions. Men soon found themselves for or against the plans of the government according as they favored (1) aristocracy or democracy, (2) commercial or agricultural interests, (3) a strong or a weak government, and (4) English or French sympathies.

*And these divergent views arranged themselves in two groups.* The commercial interests wished a strong central government, and favored England because our commerce was mainly with that country.<sup>1</sup> Likewise, they were more impelled toward aristocracy — to which they had always

<sup>1</sup> After the Revolution almost as exclusively as before, — which suggests that the English navigation acts had not in great measure diverted colonial commerce from its natural channels.

been inclined — because aristocratic England was now the champion of the old order against democratic France, in the wars of the French Revolution. On the other hand, the democratic portion of society had its chief strength in agricultural districts. It kept its Revolutionary hatred for England, and was warmly attached to France, formerly our ally and now the European champion of democracy. And, according to universal democratic feeling in that day, it looked with distrust upon any strong government.

Unhappily, the new party lines were largely sectional. Commercial New England was mainly Federalist; the agricultural South was Republican. Hamilton stood for the aristocratic, pro-English tendency; Jefferson, for the democratic, pro-French view. Soon the two were contending in the Cabinet (in Jefferson's phrase) "like cocks in a pit." By 1792 both had resigned, and these divergent views in the country had crystallized into new political parties. Jefferson believed that Hamilton's policy, if not checked, would result in monarchy; and he called his own party "Republican." His opponents tried to discredit it by stigmatizing it "Democratic," and shrewdly took to themselves the old name "Federalist."

Hamilton  
and  
Jefferson

Jefferson first uses the term *Republican* as a party name in a letter to Washington in May, 1792: "The Republican party among us, *who wish to preserve the government in its present form . . .*" Years later he affirmed he had heard Hamilton call the Constitution "a shilly-shally thing, of mere milk and water, which . . . was good *only as a step to something better*"; and later still he declared, "The contests of that day were contests of principle between the adherents of republican and of kingly government."

The "Re-  
publican"  
party of  
1792

But if Jefferson accused his opponents of plotting against the Republic, they, even more absurdly, accused him of plotting to overthrow all society, in the interest of bloody anarchy or at least of a general pro-  
scription of property (page 335). It took a generation

Party  
bitterness



for men to learn that political difference did not mean moral viciousness. Many years afterward, Madison characterized the party divisions more fairly: "Hamilton wished to *administer* the government *into what he thought it ought to be*; while the Republicans wished to *keep it as understood by the men who adopted it*."

Washington's patriotism so exalted him that the Republicans were unwilling to oppose his reëlection. In 1793 he again received every electoral vote. Adams became Vice President again, by 77 votes to 50 for George Clinton. The Republicans were sadly handicapped in their canvass for Clinton by their lack of a candidate of their own for the presidency; but they secured a strong majority in the new House of Representatives.

Washington refused to be a candidate for a third term. Then, in 1796, came a true party contest. The Federalist members of Congress *in caucus* nominated Adams and Thomas Pinckney. Republican Congressmen nominated Jefferson. Adams won by three votes. *Jefferson became Vice President.*<sup>1</sup>

These nominations in 1796 mark the first use of the Congressional caucus for nominating purposes, — a device that was to hold sway for the next thirty-five years; but in New England *town* government the caucus was an old piece of political machinery. John Adams has left the earliest account of it as it appeared in Boston (Diary for February, 1773): —

"This day I learned that the caucus club meets at certain times in the garret of Tom Dawes. . . . He has a large house, and he has a movable partition in his garret, which he takes down, and the whole club meets in one room. There they smoke tobacco

<sup>1</sup> Before the Twelfth Amendment, each elector voted for two men without naming one for President, one for Vice President. If all Federalist electors had voted for both their candidates, there would have been no choice for first place. To prevent this result, several Federalist electors threw away their second votes, so that Pinckney, on the winning ticket, received fewer votes than Jefferson, on the other. The consequence was absurd, — President and Vice President from hostile parties.

till you cannot see from one end of the room to the other. There they drink flip, I suppose, and there they choose a moderator, who puts questions to vote regularly; and selectmen, assessors, collectors, firewards, and representatives are regularly chosen before they are chosen by the town." (It was his control over this caucus which made Samuel Adams for so long the "boss" of Boston.)

By 1790, it had become customary in State legislatures for members of each party to "caucus" in order to nominate party candidates for State offices, and the device was now seized upon by the parties in Congress for national party nominations. Of course it destroyed at once and completely the intention of the Constitution that the chosen electors should "deliberate" and make their own choice, and so "refine the popular will." It remained now only for them to follow the "recommendation" of the party caucus. This illustrates the fact that party government was a new thing. The men who made the Constitution did not foresee it. Those who dreamed of it at all thought of it only as a dreaded possibility.

Party  
govern-  
ment new

The Constitution made no provision for the chief force which was to run it. But almost at once, for most useful purposes, the check of mutually balancing parties replaced the elaborate system of Constitutional checks devised by the Philadelphia Convention.

Said John Adams, in October, 1792: "There is nothing which I dread so much as the division of the Republic into two great parties, each under its leader. . . . This, in my humble apprehension, is to be feared as the greatest political evil under our Constitution." Soon, however, all free peoples were to adopt the device as the only workable plan, so far invented, for self-government. This need not blind us to its imperfections. Government by party seems to be most wholesome when party lines correspond in fair degree to the natural differences between conservatives and progressives. One part of society sees most clearly the present good and the possible dangers in

Nature of  
party  
government

change, and feels that to maintain existing advantages is more important than to try for new ones. Another part sees most clearly the existing evils and the possible gain in change, and feels that to try to improve conditions, even at the risk of experiment, is more important than merely to preserve existing good. *Each party draws its strength from some of the noblest and some of the basest of human qualities.* The true reformer will find himself associated with reckless adventurers and self-seeking demagogues. The thoughtful conservative, struggling to preserve society from harmful revolution, will find much of his support in the inertia, selfishness, and stupidity of comfortable respectability, and in the greed of "special privilege." "Stupidity is naturally Tory"; and "Folly is naturally Liberal."<sup>1</sup> Over against this handicap stands one mighty advantage. One of the marks of true party government is *moderation*, because the shifting of only a small fraction of the total vote will usually displace the ruling party.

## II. FOREIGN RELATIONS, 1793-1800

The French Revolution began one week after Washington became President, if it be dated in the usual way from the gathering of the States General. That tremendous movement soon involved all Europe in war; and the new-born American nation had only four years of quiet, to arrange its pressing affairs, before it was drawn into serious foreign complications. Those complications absorbed much American energy, and vitally affected American development for twenty-five years, and they were of particular interest during this Federalist period.

*At first popular sympathy went out enthusiastically to the French Republic* in its desperate struggle against the "coalized

<sup>1</sup> These lines are condensed roughly from a much longer passage in Lecky's *England in the Eighteenth Century* (I, 513-515). Colonel Higginson had the final quotation in mind probably, when he wrote of these first American political parties, "Some men became Federalists because they were high-minded; and some because they were narrow-minded; while the more far-sighted and also the less scrupulous became Republicans."



despots" of Europe. From one end of America to the other, there burst forth a fine frenzy for "Democratic clubs" and other imitations of new French customs; and loud demands were voiced that we return to France, in her need, the aid we had received from her in our own Revolution. Washington steadfastly withstood this popular movement. On receiving news of war between France and England, in the spring of 1793, he called the first Cabinet meeting (page 305), and, with the unanimous approval of that body, decided upon his famous "*Neutrality Proclamation*."

Democratic  
sympathy  
for France

Washing-  
ton's  
"Neutrality  
Proclama-  
tion"

The President had no authority to fix the policy of the nation. That belongs to Congress. Accordingly, the proclamation did not say that the United States would *remain* neutral. It did call the attention of our citizens to their *duties while* we were neutral, and it dwelt effectively upon the *advantages* of neutrality. It was really an impressive *argument* for that policy. For the moment, its chief result seemed to be a storm of violent abuse at Washington.

The new French minister, "Citizen" Genêt, tried to use our ports for French privateers as if America had been an ally of France in the war; and, in such attempts to embroil us with England, he had much popular sympathy. Soon, however, Genêt overreached himself. When checked by our government in his efforts to disregard our neutrality, he threatened to appeal from the government to the people. Washington promptly demanded that France recall its minister, and the people generally supported this defense of American dignity.

"Citizen"  
Genêt

Then public opinion began overwhelmingly to approve Washington's stately recommendation for neutrality in the great proclamation. That policy was established, by the informal mandate of the nation, and *America was started upon a century-long period of separation from Old-World quarrels*. In Washington's day such separation was especially wholesome, because we could then enter European politics only as tail to the French or English kite.

*Our troubles with England* concerned the unfulfilled treaty of 1763 (page 235), our wish to trade with the British West Indies — from which England's navigation acts now shut us out — and conflicting views of international law as to rights of neutral trade during the European war. The first two points were of merely temporary interest. Some things about the third matter are still vital.

The English navy was trying to conquer France by shutting off foreign commerce. England looked upon our trade with France as an aid to the military resistance of that power. We regarded England's restrictions upon that trade as interference with neutral rights. Three of the points in dispute called for special notice.

1. France began (May, 1793) seizing American ships bound to England with foodstuffs, on the ground that "Contra-band" such cargo was "*contraband*." England was soon absolute mistress of the seas, and she gladly followed this example. She offered payment to the American owners, it is true, for the food she seized; but we held that only military supplies were contraband.<sup>1</sup>

2. England captured neutral vessels bound even to an unblockaded port, if they carried goods belonging to citizens of a country with which she was at war. America claimed, "*Free ships make free goods*."<sup>2</sup>

3. More serious, to our eyes to-day, was the seizure of American seamen, — though at the time it awoke far less protest than the seizure of property. England had always recruited sailors for her men-of-war by the press gang; and — so essential was the war navy — English

<sup>1</sup> The Russian-Japanese War and still more the World War prove that this is still a vexed question. Food or clothing for an army, or for a besieged town, has always come under the head of military supplies. These recent wars show that whole provinces, and whole countries, may be "besieged," and that almost any sort of goods may become "military supplies."

<sup>2</sup> This maxim had been set up by Holland in 1656, and agreed to by northern European nations in 1780, except for England's opposition. War on land has long recognized, in considerable degree, that private property should be taken

courts had always refused to interfere. Great numbers of British seamen had recently deserted to American merchant ships to get better wages and better treatment there. These deserters were often protected by *fraudulent* papers of "citizenship," easily secured in American ports. English vessels claimed the *right to search* American ships and to take back such sailors. Soon the practice was extended to the impressment of other British subjects found there, and even to those who had been legally "naturalized" by American law.<sup>1</sup> Worse still, in irritation at the American encouragement to their deserters, English officers sometimes impressed *born Americans*, either by mistake or by set purpose.

Of course the "right of search" exists. In time of war, a war vessel of a belligerent may stop and search a neutral trading vessel to find out (1) whether it really is a neutral vessel as its flag proclaims; (2) whether it is bound for any blockaded port; (3) whether it carries "contraband." If "strong presumption" is found against the vessel on any of these points, it may be carried to a "prize court" for trial; and if there adjudged guilty, it becomes "lawful prize." But no "right of search" applies to seizing *people*; and the "right" must always be exercised with discretion and without unduly embarrassing neutral trade.

All England's invasions of neutral rights were attempted by other European belligerents, also; but England's navy was the only one able to injure us seriously. As scores of American vessels with valuable cargoes were swept into British prize courts, American feeling rose to war heat. In the spring of 1794 Congress laid a temporary embargo upon all American shipping (that it might not be caught at sea, without warning, by the expected war), and threatened

by a hostile army *only as a necessary war measure*, not merely for plunder. At sea, this civilizing doctrine has made slower progress, and pitatied customs have continued.

<sup>1</sup> England denied the right of an Englishman to change his allegiance: "Once an Englishman, always an Englishman." The American contention of a man's right to change his citizenship by "naturalization" has prevailed.



to seize all moneys in America due British creditors, to offset British seizures of American ships. This would have meant war.

That disaster was averted only by the calm resolution of Washington. He appointed John Jay special envoy to negotiate with England; and in November, 1794, *The Jay Treaty* "Jay's Treaty" was ready for ratification. By its terms, impressment was not mentioned or blockade defined. England had her way, too, as to contraband and neutral ships; but she agreed to vacate the Northwest posts, to open to American trade her West India ports under certain restrictions, and to pay American citizens for recent seizures of ships and goods. The American government dropped the claim for compensation for the deported Negroes, and promised to pay the British creditors who had not been able to collect pre-Revolutionary debts.

England offered to open the West India ports to American trade, but only to *small coasting vessels*, and upon condition that America promise for twelve years not to export to any part of the world molasses, sugar, coffee, cocoa, or *cotton*. The English intention, probably, was simply to maintain her navigation system with regard to other countries, by making sure that American vessels, admitted to the Island ports, should not carry the products of those colonies to other parts of the world as well as to the United States, and that such products, after being brought to the United States, should not be reexported. *Jay seems to have been ignorant that these restrictions (even that one regarding cotton) would hamper American commerce.* The twelfth article of the treaty, containing this trade provision, was cut out by the Senate.

It took all Washington's influence to get the treaty ratified. Excitement was intense. Jay was burned in effigy. Hamilton was stoned from a public platform where he advocated ratification. Washington himself once more was heaped with vituperation. The Virginia legislature voted

down a resolution expressing trust in her greatest son, and the national House of Representatives struck out the customary words "*undiminished confidence*" from an address to him.

The treaty certainly left much to be desired; but at worst it was well worth while. America secured undisputed possession of her full territory and satisfaction for commercial injuries. For other matters, we gained what we needed most — time. To our new and unprepared nation, war at that moment would have been ruin. The treaty permitted an honorable escape. Moreover, in one respect it was a distinct step onward for civilization. *It provided for the first instance of international arbitration in the modern sense.*

The treaty of 1783 had named the St. Croix River as the boundary of Maine from the sea to the highlands. But that unexplored region contained several rivers bearing the name. The treaty-map, with its red-ink drawings, had been lost. And several thousand square miles of territory had fallen into honest dispute. This treaty of 1794 submitted the matter to adjudication by a commission (two men chosen by each power, they to have authority to choose a fifth). Each nation pledged itself in advance to abide by the award. The commission was to act as an international court, with somewhat of judicial procedure. It was not to be merely a meeting of diplomats, to make a bargain or to seek out a compromise. It was to examine evidence and hear argument, and was sworn *to do justice according to the real merits of the case*, as an ordinary court decides title to property between private claimants.

Inter-  
national  
arbitration

This rational agreement called forth violent outcry. In England, the ministry were assailed for "basely sacrificing British honor"; and, on this side the water, there was much senseless clamor about "not surrendering American soil without first fighting to the last drop of our blood." To such silly, question-begging pretense of patriotism, Hamilton's reply was unanswerable: "It would be a horrid and destructive principle that nations could not terminate a

dispute about a parcel of territory by peaceful arbitration, but only by war."

France had confidently expected these troubles to lead us into war with England, and she was bitterly angered at the Jay Treaty. Her government, in a violent protest, charged the United States with weakness and bad faith, and insultingly refused to receive Pinckney, who had been appointed our minister at Paris. Soon she withdrew her minister from America, and, to the full extent of her power, began aggressions upon our commerce.

The administration of John Adams (1797-1801) found things at this pass; and it was occupied almost wholly by this peril and by the disputes at home growing out of it. The President sent Gerry, Pinckney, and John Marshall to France to negotiate a settlement. The new French government (the Directory) first ignored these gentlemen, and then, through secret agents, tried to intimidate them and to demand tribute in money for private graft.

The publication of this infamous "X. Y. Z." <sup>1</sup> matter silenced the friends of France in America and fanned popular indignation to white heat. Pinckney's famous phrase, "Millions for defense, but not a cent for tribute," became the grim byword of the hour. Even the Southern States elected Federalist congressmen; and, in 1798, the Federalists once more gained possession for a moment of all branches of the government.

In the summer of 1798, preparations for war with France were hastened. Warships were built, and the army was reorganized, with Washington as commander in chief and Hamilton as his second in command. War was not formally declared, but it did exist in fact. Scores of ships were commissioned as privateers, to prey upon French merchantmen; and the United States frigate *Constellation* fought and captured the French *Vengeance*.

<sup>1</sup> When Adams made public the dispatches of the American ministers, the names of the French negotiators were replaced by these initials.



At this moment, in a roundabout way, the French government hinted that it would be glad to renew negotiations. Adams had won great applause by a declaration, "I will never send another minister to France without assurance that he will be received, respected, and honored as becomes the representative of a great, free, powerful, and independent nation." But now patriotically he threw away his popularity and the chance predominance of his party, in order to save the country from war. Without even the knowledge of his Cabinet, he appointed another embassy; and the treaty of 1800 secured our trade, for the time, from further French aggression. Adams' courage in this matter is perhaps his highest claim to grateful remembrance. He himself proposed for his epitaph, "Here lies John Adams, who took upon himself the responsibility for the peace with France in 1800."

Adams  
"keeps us  
out of war"

Midway in the turmoil with France and England, we nearly came to blows with another power. The origin of our disputes with Spain has been treated in earlier chapters. In 1795, after vigorous negotiation backed at last by threat of war, the Pinckney Treaty secured a fairly satisfactory adjustment — on paper. Spain bound herself to restrain Indian raids from her territory, promised "right of deposit" (page 247) at New Orleans, and paid for previous seizures there.

The  
Pinckney  
Treaty  
with Spain

### III. DOMESTIC TROUBLES, 1797-1800

The preparation for war, at the opening of Adams' administration, made more revenue necessary. Congress raised the tariff rates, passed a Stamp Act, and apportioned a "direct tax" of \$2,000,000 among the States.

This last measure resulted in *Fries' Rebellion*. In assessing the new tax, houses were valued according to their size and the number of their windows. Officers were frequently resisted in their attempts to measure houses, and slops were sometimes poured upon their heads from the windows. In Pennsylvania a number of the rioters

Fries'  
Rebellion

were arrested. They were promptly rescued by armed men led by a certain Fries. Adams thought it necessary to call out an army to repress the "insurrection." Fries was condemned to be hung for treason, but was pardoned by the President, — to the indignation of leading Federalists, who clamored for an "example," as Adams himself had done when Washington pardoned the leaders of the Whisky Rebellion.

Political controversy had grown excessively bitter. Republican editors poured forth upon the President and his administration abuse which in our better-mannered era would be regarded as blackguardism. The Federalists retorted with language equally foul, and tried to gag their opponents with the notorious "*alien and sedition*" laws, — repressive, tyrannical, dangerous to the spirit of free institutions.

Aliens had been required to live in the United States *five* years before they could be naturalized: a new *Naturalization Act* raised this period to *fourteen* years. An Alien law authorized the President, *without trial*, to order out of the country "any aliens he shall judge dangerous to the peace and safety of the United States," and, if they remained, to imprison them "so long as, *in the opinion of the President*, the public safety may require." The Sedition law provided fine and imprisonment for "combining" to oppose measures of the government, and for "any false, scandalous, or malicious writing against the government" or *against its high officials*, "with intent to bring them into disrepute."

Seditious utterance and slander were already punishable in *State courts*, under the Common Law. But, since the Zenger trial, prosecutions of this sort for *political* utterances had become obsolete in America. The people, with sound instinct, had preferred to endure some bad manners, rather than to imperil liberty. This reënactment of obsolete practice by a National law, to be enforced in the government's own courts, conflicted, in spirit at least, with the First amendment. Says Francis A. Walker: "The blunder of

the Federalists was not accidental. . . . It was thoroughly characteristic. *It sprang out of a distrust of the masses; a belief that the people must always be repressed or led; . . . a readiness to use force; — all of which were of the essence of the aristocratic politics of the last quarter of the eighteenth century.*”

President Adams took no part in securing these laws; and he made no use of the Alien Act. But Federalist judges showed a sinister disposition to stifle criticism of their political party by securing convictions under the Sedition law. Matthew Lyon, a Vermont editor, charged Adams with “unbounded thirst for ridiculous pomp and for foolish adulation” and with “selfish avarice.” For these words, he was punished by imprisonment for four months and by a fine of \$1000. Nine other convictions followed in the few months remaining of Federalist rule, and like cases occurred in State courts under Federalist control. One grand jury indicted a man for circulating a petition for the repeal of the Sedition law!

In great excitement, Jefferson wrote to George Mason (*Works*, Washington ed., IV, 257): “I consider those laws only an experiment on the American mind to see how far it will bear an avowed violation of the Constitution. If this goes down, we shall see attempted another act of Congress declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs and the establishment of the Senate for life. That these things are in contemplation, I have no doubt.” For protection the Republicans turned to the State governments. The Federalists, drunk with power, had threatened tyranny; the Republicans, in panic, sought refuge in the doctrine of State sovereignty. Multitudes of popular meetings denounced the Alien and Sedition laws; and *the Republican legislatures of Virginia and Kentucky suggested Nullification* as a remedy, though with no clear statements as to how that remedy should be applied. Jefferson wrote the first draft of the resolutions for Kentucky; Madison, for



Virginia, in somewhat gentler form. Indeed the first set of Kentucky Resolutions, in 1798, did not contain the word *Nullification*, though it was used in debate, but it appeared explicitly in a second set, in 1799. The leaders seem, however, to have had in mind only a suspension of the law pending a referendum to the States.

The war frenzy of 1798-1799 had *momentarily* put the Federalists in control of most of the State legislatures. This explains why the Southern States in general made no response to the Virginia and Kentucky appeals. Several Northern legislatures condemned those Resolutions severely, — denying the Kentucky doctrine that there was “no common judge” between a State and the Union, and affirming that the Supreme Court filled that position. But in that day, the Kentucky doctrine that there was “no common judge” was not surprising. The Supreme Court itself had not yet *used* the power to pass upon the constitutionality of the Acts of Congress. It had not even claimed that right, and was not to do so for some more years; and a few years later the New England States, that now asserted its power, denied it fiercely — in the precise words of the Kentucky Resolutions (page 388 ff.).

It is well, however, at this stage, to point out that nullification, whether of Jefferson's brand in 1798, or New England's in 1814, or Calhoun's in 1830, was absurd in logic and would have been anarchic in practice. Any group of citizens or of States which feels itself sufficiently oppressed, has the *natural* right to rebel, and to change the government by revolution, if it can, — as America did in 1776. The right of revolution is the fundamental guarantee for liberty in organized society. The question regarding it is never one of abstract right but always of concrete righteousness under given conditions. In result, too, revolution means either that the government will be confirmed, or that another government will be substituted for it. But nullification meant a constitutional right to reduce the government to a shadow while claiming its protection.

## IV. EXPIRING FEDERALISM

The Federalist leaders had fallen into foolish blunders (like the house tax) because they did not understand popular feeling; and they had attempted reactionary and despotic measures (like the Sedition Act) because they did not believe in popular government. They were out of touch with the most wholesome tendency of the times. The brief reactionary movement of 1783-1793 was dying, and the people had resumed their march toward democracy. Patriotism had temporarily rallied the nation to the support of the Federalist administration when that administration had been insulted by the arrogant French Directory; but with the passing of that foreign danger, passed also the chance of further Federalist rule.

Federalism  
out of touch  
with Americanism

For the election in 1800, the Federalists tried to bolster their cause by inducing Washington to be a candidate once more. Weary and discouraged, Washington refused, affirming that his candidacy would not draw a vote from the anti-Federalists. This refusal, followed by Washington's sudden death, threw the Federalists back upon Adams, whose old Revolutionary popularity made him still their most available man. The Republican candidates were Jefferson and Burr (the latter a sharp New York politician).

The election  
of 1800

Lacking true majorities the Federalists strove to manufacture false ones. The electoral vote finally stood only 73 to 65 against them; but 20 of their 65 electors they got by disreputable trickery, against the will of the people. Of several instances, only one can be told here. In *Pennsylvania* the new House of Representatives was strongly Republican; but hold-over members, from the war-election, kept the Senate Federalist.<sup>1</sup> So far, that State had always chosen its electors by popular vote. This time the Senate would not agree to the necessary law (since that method would give most of the districts to the Republicans).

Federalist  
sharp  
practice

<sup>1</sup> In a new constitution, in 1790, Pennsylvania had exchanged its one-House legislature for the prevalent two-chambered system.

There being no law on the matter, it was then necessary for the legislature itself to choose electors. All elections by that body had been by joint ballot, but the Senate now insisted upon a concurrent vote. It finally compromised upon a scheme which allowed it to name seven of the fifteen electors. This shabby trick—a deliberate violation of a popular mandate—was loudly applauded by the Federalists as lofty patriotism. The Philadelphia *United States Gazette* said of the Federalist Senators: “[They] deserve the praises and blessings of all America. They have checked the mad enthusiasm of a deluded populace. . . . *They have saved a falling world.*”

When it was plain that the people had turned the Federalists out of all the *elective* branches of the government, the expiring and repudiated Congress and President used the few days left them unscrupulously to entrench their party in the *appointive* Judiciary,—“that part of the government upon which all the rest hinges.”

The infamous Judiciary Act of 1801 had three main parts. (1) To lessen Jefferson's chances of making appointments to the Supreme Court it provided that the first vacancy should not be filled, but that the number of Justices should at that future time be reduced by one. (2) Circuit courts were created, with a distinct body of judges, and the number of circuits was increased to six, with three judges for each except the last. This made places for sixteen new judges, *to be immediately appointed by Adams in the remaining nineteen days of his administration.* (3) The number of District courts was increased from thirteen to twenty-three, making places for *eight more such appointments.* In addition, of course, there were clerks and marshals to be named for all these new courts.

The law of 1789 had created three circuits, but had arranged for courts consisting of Justices of the Supreme Court “on circuit,” aided by some District judge. The Federalists justified the new bill flimsily by urging the need of the *separate* Circuit courts to protect the “overworked”



Supreme Court Justices. But, in plain fact, the Supreme Court had never been overworked. It had then only ten cases before it, and, in the preceding ten years of its life, it had had fewer cases than are customary in one year now. The weakness of the Federalist argument appears in the fact that the bill *was* repealed at once (page 358) and the old order restored *and maintained seventy years longer*.

Adams was not able to make his last appointments under the new law until late on the last evening of his term of office; and the judges so appointed have gone in history by the name of "the Midnight Judges." One of the worst features of a thoroughly bad business was that these appointments were used to take care of Federalist politicians now thrown out of any other job. The people at the polls had repudiated certain men for government positions; but President Adams, the people's representative, thought it proper to place those men in more important government positions for life, where the people could not touch them. Such a practice is repugnant to every principle of representative government. The Constitution prevented the appointment of members of the expiring Congress to any of the new judgeships *just created by them* (Art. I, sec. 6); but this provision was *evaded* with as little compunction as went to thwarting the will of the people. Former District judges were promoted to the new Circuit judgeships, and *their* former places were filled by "retired" Federalist congressmen. The Federalists, exclaimed John Randolph of Virginia, had turned the judiciary into "a hospital for decayed politicians."

The desperate Federalists tried also to rob the majority of its choice for the Presidency. This led almost to civil war. Jefferson and Burr had received the same electoral vote. Every Republican had intended Jefferson for President and Burr for second place; but, under the clumsy provision of the Constitution (page 318) the election *between these two* was now left to the *old* House of Representatives, in which the Federalists had their ex-

The "Midnight Judges"

The election in the House of Representatives

piring war majority.<sup>1</sup> Accordingly the Federalists planned to create a deadlock and prevent *any* election until after March 4. Then they could declare government at a standstill and elect the presiding officer of the old Senate as President of the country. Jefferson wrote at the time that they were kept from this attempt only by definite threats that it would be the signal for the Middle States to arm and call a convention to revise the Constitution.

The Federalists then tried another trick which would equally have cheated the nation of its will. The House of Representatives had the *legal* right to choose Burr for President, instead of Jefferson. It *seemed bent upon doing so*; but Hamilton rendered his last great service to his country by opposing and preventing such action.<sup>2</sup> So, after a delay of five weeks, and thirty-six balloting, *the House chose Jefferson President*. Early in the next Congress the *Twelfth amendment* was proposed and ratified, for naming President and Vice President separately on the electoral ballots.

The fatal fault of the Federalist leaders was their fundamental disbelief in popular government. After Jefferson's victory, in 1800, this feeling found violent expression. Fisher Ames, a Boston idol, declared: "Our country is too big for union, too sordid for patriotism, *too democratic for liberty*. . . . Its vice will govern it. . . . This is ordained for democracies." Cabot, another Massachusetts leader, affirmed, "We are democratic altogether, and I hold democracy, in its natural operation, to be the government of the worst." And Hamilton is reported to have exclaimed, pounding the table with clenched fist: "The people, sir! Your people is a great beast." Dennie's *Portfolio*, the chief literary publication of the time, railed at greater length:

<sup>1</sup> The new House, elected some months before, but not to meet for nearly a year longer, was overwhelmingly Republican; but, by our awkward arrangement, the repudiated party remained in control at a critical moment.

<sup>2</sup> Hamilton, does not seem to have felt the enormity of the proposed violation of the nation's will; but he knew Burr to be a reckless political adventurer, and thought his election more dangerous to the country than even the dreaded election of Jefferson.

"Democracy . . . is on trial here, and the issue will be civil war, desolation, and anarchy. No wise man but discerns its imperfections; no good man but shudders at its miseries; no honest man but proclaims its fraud; and no brave man but draws his sword against its force." And Theodore Dwight of Connecticut (brother of the President of Yale College), in a Fourth of July oration, declaimed:—

"The great object of Jacobinism<sup>1</sup> . . . is to destroy every trace of civilization in the world, and force mankind back into a savage state. . . . We have a country governed by blockheads and knaves; the ties of marriage are severed and destroyed; our wives and daughters are thrown into the stews; our children are cast into the world from the breast and forgotten; filial piety is extinguished; and our surnames, the only mark of distinction among families, are abolished. Can the imagination paint anything more dreadful on this side hell?"

It was but a step from such twaddle to suspect Jefferson of plotting against the property or the life of Federalist leaders. In Gouverneur Morris' diary for 1804 we find the passage:

"Wednesday, January 18, I dined at [Rufus] King's with General Hamilton. . . . They were both alarmed at the conduct of our rulers, and think the Constitution about to be overthrown: I think it already overthrown. They



ALEXANDER HAMILTON. From the Trumbull portrait, in the Yale School of Fine Arts.

<sup>1</sup> A term borrowed from the French Revolution, and applied to the Republicans by their opponents, much as "Bolshevist" has been used in recent years.



apprehend a bloody anarchy: I apprehend an anarchy in which property, not lives, will be sacrificed." And Fisher Ames wrote: "My health is good for nothing, but . . . if the Jacobins make haste, I may yet live to be hanged." In 1804, in a Connecticut town, an applauded Fourth of July toast to "The President of the United States" ran — "Thomas Jefferson: may he receive from his fellow citizens the reward of his merit — *a halter!*" (And see page 386.)

These faults must not obscure the vast service the Federalists had rendered. Alexander Hamilton is the hero of the twelve-year Federalist period. He should be judged in the main by his work in the years 1789–1793. During that critical era, he stood forth — as no other man of the day could have done — as statesman-general in the conflict between order and anarchy, union and disunion. His constructive work and his genius for organization were then as indispensable to his country as Jefferson's democratic faith and inspiration were to be later. Except for Hamilton, there would hardly have been a Nation for Jefferson to Americanize. We may rejoice that Hamilton did not have his whole will; but we must recognize that the forces he set in motion made the Union none too strong to withstand the trials of the years that followed.

Those centralizing forces may be summarized concisely. The tremendous support of capital was secured for almost any claim the government might make to doubtful powers. Congress set the example of exercising doubtful and unenumerated powers; and a cover was devised for such practice in the doctrine of implied powers. The appellate jurisdiction conferred on the Supreme Court was to enable it to defend and extend this doctrine. Congress began to add new States, with greater dependence of feeling upon the National government. And the people at large began to feel a new dignity and many material gains from a strong Union.

## PART VI — JEFFERSONIAN REPUBLICANISM 1800-1830

### CHAPTER XVIII

#### AMERICA IN 1800

FROM Jefferson to Lincoln, six great lines of growth mark American history: its *territory expanded* tremendously; the Americans won *intellectual independence* from Old World opinion; *democracy spread* and deepened; the *industrial system grew vastly complex*; *slavery was abolished*; and *Nationalism triumphed* over disunion. The first of these, territorial growth, was the warp through which ran the other threads of growth. The ex-  
Lines of  
growth.  
1800-1860  
Territorial  
expansion

*It made us truly American.* Our tidewater communities remained "colonial" in feeling long after they became independent politically, — still hanging timorously on Old-World approval. Only when our people had climbed the mountain crests and turned their faces in earnest to the great West, did they cease to look to Europe for standards of thought.

*It made us democratic.* The communities progressive in politics have always been the frontier parts of the country, — first the western sections of the original States, and then successive layers of new States.

*It created our complex industrialism*, with the dependence of one section upon another; and so it brought on our conflict between slave and free labor.

*It fostered nationality.* Europe is convex toward the sky. Mountains and seas form many walls and moats; and rivers

disperse from the center toward the extremities. And so fourteen nations there divide an area smaller than the Mississippi valley. America is a "vast concave." Its mountains guard the frontiers only. Its streams concentrate, and so tend to unity industrial and political. The original thirteen States, scattered amid the forests and marshes of the Atlantic slope, long clung to their jealous, separatist tendencies. But expansion into the Mississippi valley, wrought out by nature for the home of *one* mighty industrial empire, transformed that handful of jangling communities into a continental nation.

Throughout the nineteenth century, Americans exulted in their country's growth. Sometimes, it is true, this exultation expressed itself clumsily, as cheap spread-eagleism or insolent jingoism; and well-meaning critics, more refined than robust, saw in the buoyant self-confidence of the people only vulgar and grotesque boastfulness about *material* bigness. For a time, American ideals were to become sordid, in a measure; but not until the last quarter of the century, when commercialism had replaced romance as the dominant note in our life. Through all the earlier period the plain people felt a truth that the cultured critic missed. They knew that this growth was not *mere* growth. For the creation of the nation, and for its proper life, the conquest of our proper territory from savage man and savage nature was first needful; and this Titanic conflict with a continent became idealized to the heart and imagination of a hardy race. This was the hundred year American epic — its protagonist the tall, sinewy, saturnine frontiersman with his long rifle and well-poised ax, and usually with his Bible, encamped in the wilderness to win a home for his children and for a nation. First among American writers, Lowell fixed that poem in words, — and happily in the dialect of the original frontiersman: —

"O strange New World! That never yit wast young;  
Whose youth from thee by grippin' need was wrung;  
Brown foundlin' o' the woods, whose baby-bed  
Was prowled roun' by the Injun's cracklin' tread,

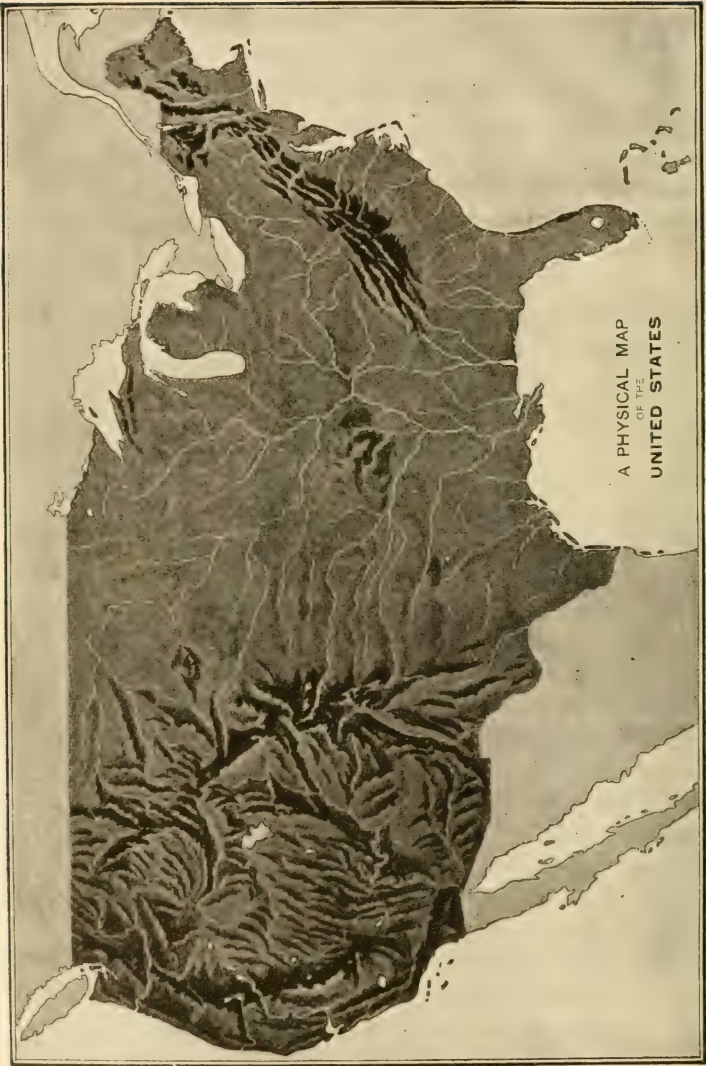


And who grewst strong thru shifts, and wants, and pains,  
Nursed by stern men with empires in their brains,  
Who saw in vision their young Ishmael strain  
In each hard hand a vassal Ocean's mane !  
Thou taught by freedom, and by great events,  
To pitch new States as Old-World men pitch tents !”

This larger America had marvelous physical advantages. For communication with the outside world, the two oceans and the Gulf give to the United States *a coast line* Physical advantages equaled only by Europe's. Rivers and the shore of the Great Lakes add 19,000 miles of navigable *interior waterways*, — a condition absolutely beyond parallel in any other equal portion of the globe. More than four fifths of these water roads are grouped in the Lake system and the Mississippi system. These are virtually *one* vast system, opening on the sea on two sides and draining more than a million square miles of territory — giving to cities a thousand miles inland the advantages of seacoast ports, and binding together, for instance, Pittsburg and Kansas City, on opposite slopes of the great valley a thousand miles across.

Above the limit of navigation, these streams, and others, furnish an unrivaled water power. Many years ago, Professor Shaler estimated that the energy already derived from the streams of this country exceeded that from the streams of all the rest of the world. This power was of particular importance in colonial days. Then, for a hundred years, it lost value, relatively, after the invention of steam. But now, with new devices to turn it into electric power, it looms again a chief factor in future wealth.

The Appalachian region contains rich deposits of coal and iron in close neighborhood ; while the Great Lakes make communication easy between Appalachian coal and Lake Superior iron. Other mineral deposits needful in industry exist in abundance, well distributed over the country, — copper, lead, zinc, building stone, gold and silver, salt, phosphates, clays, cements, graphite, grindstones, and a small amount of aluminum. In 1800, great forests still stretched from the Atlantic to Illinois, western Kentucky,



and northern Minnesota; and the vast woods of the Pacific slope were soon to become American.

It is only fair to note two physical conditions which held less of promise.

1. A sectional elevation on page 342 shows that the meridian 100 cuts the country into fairly equal but very



CALIFORNIA REDWOOD TREES.

different halves. The eastern half is essentially of one character, and was easily made one section as to communication by railroads and canals. Neither fact holds good for the western half. That vast re-

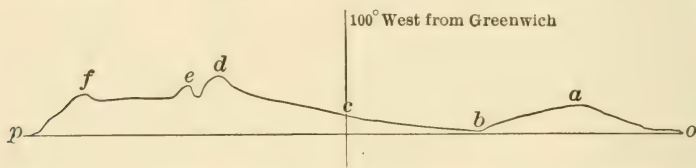
Two  
adverse  
conditions

gion contains, in succession (to quote Dr. Draper), "an arid, sandy district, the soil saline and sterile; an enormous belt of elevated land without an equivalent in Europe, the eastern side a desert, the western Asiatic in character; and, on the rapid Pacific incline, the moist, genial atmosphere of Great Britain and Spain; — a series of zones with all the contrasts of nature. . . . The imperial Republic has a Persia, an India, a Palestine, a Tartary of its own."



These diverse zones from east to west had little opportunity, however, to operate in hostility to political union. The American people did not come under their influence at all until just before the great Civil War. *The question of Union or Disunion was settled for generations to come by men reared under the influence of the uniform eastern half of the continent.*

2. The lines of 22 and 41 degrees Fahrenheit, for January, may be taken as convenient bounds for the true "temperate" zone (map, page 2). By those, or any other suitable lines of equal temperature, the climatic temperate zone in North America (in the interior as on the coast) is far narrower than



SECTIONAL ELEVATION OF THE UNITED STATES IN LATITUDE 40° NORTH. (After Draper. Elevations magnified.)

*p-o*, sea level; *a*, Appalachian crest; *b*, Mississippi; *c*, beginning of saline plains; *d-e*, Great Salt Lake region; *e-f*, great elevated basin; *f*, Coast range; *o-c*, Atlantic section; *c-p*, Pacific section.

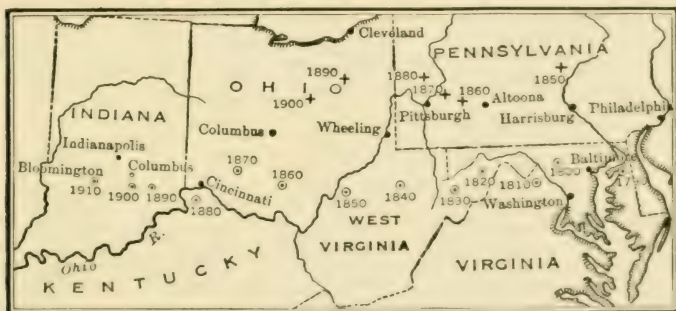
The slope *bd* is more than 1000 miles long, up to the mountain passes, which are about 10,000 feet above the sea (with peaks rising 4000 or 4300 feet higher.) The true rise, therefore, is less than 10 feet to a mile.

in Europe. Its width in Europe is one of the causes for that continent's becoming the earliest home of true civilization. Its narrowness in America is in itself a condition unfavorable to progress; but this influence was minimized by the late date of settlement and the advanced civilization of the early settlers.

Population had doubled since the Revolution opened, and in 1800 it counted 5,308,483, or more than a third the population of the British Isles at that time. Of the total, a fifth were slaves. Two thirds of the Whites were north of Mason and Dixon's line, and *nine tenths of the whole population dwelt east of the mountains.* The land was untamed, — forests

Population  
and its dis-  
tribution  
in 1800

hardly touched, and minerals undisturbed. Even in the coast district, settlement had only spotted the primeval wilderness; and rough fishing hamlets marked havens where now bristle innumerable masts and smokestacks. The great bulk of the people lived in little agricultural villages or in the outlying cabin farms. *Less than one twentieth were "urban."* By the first census (1790), only six towns had six thousand people: Philadelphia, 42,500; New York, 32,000; Boston, 18,000; Charleston, 16,000; Baltimore, 14,000; and Providence, 6000. By 1800 these figures had risen to 70,000, 60,000, 24,000, 20,000, 26,000, and 8000. The first three cities had begun to pave



MOVEMENT OF CENTERS OF POPULATION (⊙) AND MANUFACTURES (+). The Census Bureau did not determine the center of manufactures for 1910.

their streets with cobblestones, to light them with dimly flaring lamps, and to bring in wholesome drinking water in wooden pipes; but police systems and fire protection hardly existed, and the complete absence of sewers resulted in incessant fevers and plagues. Washington was a village of contractors and workmen, living in sheds and boarding houses.

The westward march of our population had barely begun. In 1800 the "center of population" was eighteen miles west of Baltimore. Ten years before, it had been forty-one miles farther east. The half million people west of the mountains dwelt still in four or five isolated groups, all included in a broad, irregular wedge of territory with its

The westward march

apex reaching not quite to the Mississippi (map, facing page 258). The greater part of our own half of the vast valley was yet unknown even to the frontiersman. In his inaugural, Jefferson, enthusiast that he was regarding his country's future, asserted that we then had "room enough for our descendants to the hundredth and even thousandth generation." Before his next inaugural, he was to double that territory.

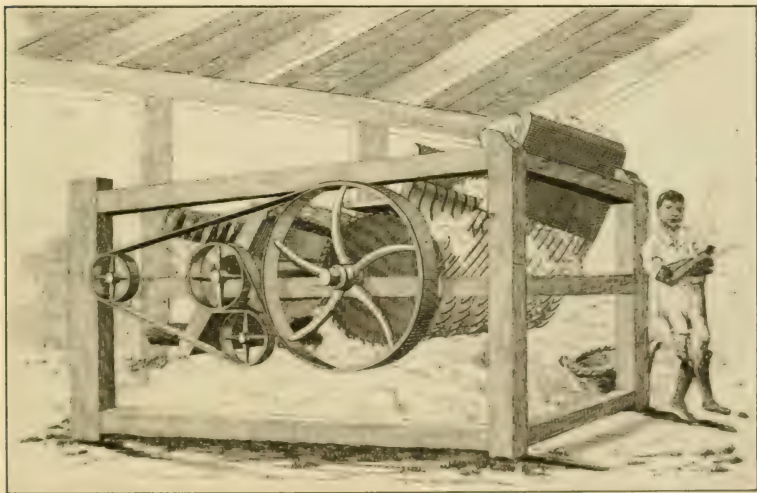
Communication remained much as before the Revolution. The States had little more intercourse with one another, as yet, than the colonies had enjoyed. The lowest letter postage was eight cents: from New York to Boston it was twenty cents. In 1790 there were only 75 post offices in the country — for a territory and population which under modern conditions would have some 6000. A traveler could jolt by clumsy and cramped stagecoach, at four miles an hour, from Boston to New York in three days, and on to Philadelphia in two days more — longer than it now takes to go from Boston to San Francisco. Such travel, too, cost from three to four times as much as modern travel by rail. South of the Potomac, traveling was possible only on horseback — with frequent embarrassments from absence of bridges or ferries. Between 1790 and 1800, a few canals were constructed, and attention was turning to the possibilities in that means of communication. Freights by land averaged, it is computed, ten cents a mile per ton, even in the settled areas, — or eight times the rates our railroads charge. Merely to *move* sugar from the coast to any point 300 miles inland cost more than sugar sold for anywhere in the country before the World War.

*Occupations had changed little since 1775* (pages 159 ff.). The year after the peace with England saw the first American voyage to China; and shipmasters began at once to reach out for the attractive profits of that Oriental trade. The European wars were favoring our carrying trade with the Old World. John Jacob Astor was organizing the great American Fur Company, to follow the furs into the far Northwest. Manufactures were making a little prog-



ress. A few iron mills were at work ; and, between 1790 and 1812, some of the machinery recently invented in England for spinning and weaving cotton was introduced. In England, by 1800, such machinery had worked an "Industrial Revolution" ; but it did not come into use extensively here until the War of 1812 forced us to manufacture our own textiles.

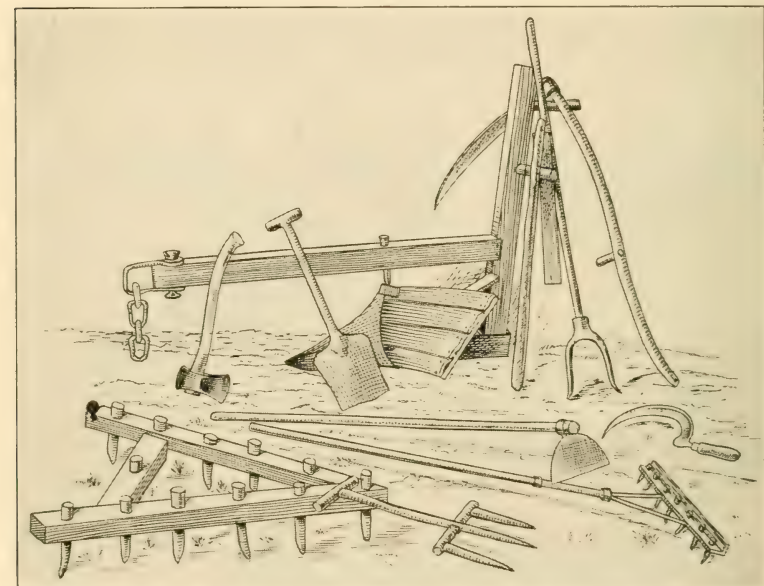
For America the chief result of the Industrial Revolution at this time was England's increased demand for raw cotton for her new factories. Cotton had been "Cotton is costly because the seed had always had to be King" separated from the fiber by hand. But in 1793 Eli Whitney,



AN EARLY COTTON GIN.

a Connecticut schoolmaster in Georgia, invented an "engine" for this work. This *cotton gin* was simple enough to be run by a slave ; and with it one man could "clean" as much cotton as 300 men could by hand. Southern planters at once gave their attention to meeting the new English demand. In 1791 we exported only 200,000 pounds : *in 1800 the amount was 100 times that ;* and this was doubled the third year after. Soon the South could boast, "Cotton is King."

Farming tools and methods had improved little in four thousand years. The American farmer with strenuous toil scratched the soil with a clumsy wooden homemade bull plow. He had no other machines for horses to draw, except a rude harrow and a cart. He sowed his grain by hand, cut it with the sickle of primitive times, and threshed it out on the barn floor with the flail — older than history — if he did not tread it out by cattle, as the ancient



FARM TOOLS IN 1800. The only farm "machine" not shown is the wagon.

Egyptians did. The first threshing machine had been invented in 1785, but it had not yet come into use. The cradle-scythe — a hand tool, but a vast improvement over the old sickle — was patented in 1803. The first improvements on the plow date from experiments on different shapes of mold boards by Thomas Jefferson. Soon after 1800 appeared the cast-iron wheeled plow. This was soon to work a revolution — permitting deeper and more rapid tillage; but for some years farmers refused to use it, asserting that

the iron "poisoned" the ground. Drills, seeders, mowers, reapers, binders, were still in the future.

In the cities a small class of merchants imitated in a quiet way the luxury of the corresponding class in England, — with spacious homes, silver-laden tables, and, on occa- Home life  
and wages sion, crimson-velvet attire. The great planters of the South, too, lived in open-handed wastefulness, though with little real comfort. Otherwise American society was simple and frugal, — with a standard of living far below that



MODERN PLOWING

of to-day. Necessities of life cost more (so far as they were not produced in the home), and wages were lower. Hodcarrier and skilled mason received about *half the wage* (in purchasing value) *paid for corresponding labor to-day* and for a labor day lasting from sunrise to sunset. (These wages were fifty per cent better than before the Revolution, — so that John Jay, high-minded gentleman that he was, complains bitterly about the "exorbitant" wages demanded by artisans — much as John Winthrop did in 1632 or many a like gentleman of to-day.) The unskilled laborers who toiled on the public buildings and streets of Washington from 1793 to 1800 received seventy dollars a *year* "and



found" — which did *not* include clothing. And the income of the professional classes was insignificant by later standards. John Marshall's practice, when he was at the head of the Virginia bar, brought him about \$5000; but this was an unusually large amount. Says Henry Adams (I, 21):—

"Many a country clergyman, eminent for piety and even for hospitality, brought up a family and laid aside some savings on a salary of five hundred dollars a year. President Dwight [of Yale] . . . eulogizing the life of Abijah Weld, pastor of Attleborough, declared that on a salary of \$250 Mr. Weld brought up eleven children, besides keeping a hospitable house and maintaining charity to the poor."

Such ministers eked out their salaries by tilling small farms with their own hands. The homes of farmers and mechanics found clean sand a substitute for carpets, and pewter or wooden dishes sufficient for tableware. Their houses had no linen on the table, nor prints on the wall, nor many books, nor any periodicals, unless perhaps a small weekly paper. No woman had ever cooked by a stove. Household lights were dim, ill-smelling candles, molded in the home, or smoky wicks in whale-oil lamps. If a householder let his fire "go out," he borrowed live coals from a neighbor or struck sparks into tinder with flint and steel. If man or child had to have an arm amputated, or broken bones set, the pain had to be borne without the merciful aid of anesthetics. The village shop made and sold shoes and hats. All the other clothing of the ordinary family was homemade, and from homespun cloth. The awkward shapes of coat and trousers that resulted from such tailoring long remained marked features in Yankee caricature. And says Professor McMaster, — "Many a well-to-do father of a family of to-day expends each year on coats and frocks and finery a sum sufficient a hundred years ago to have defrayed the public expenses of a flourishing village, — schoolmaster, constable, and highways included." Farmer, mechanic, and "storekeeper" all had plain food in abundance, but in little variety. Breakfast, "dinner," and "supper" saw much the same combinations of salt pork,

Simplicity  
and  
frugality

salt fish, potatoes and turnips, rye bread, and dried apples, with fresh meat for the town mechanic perhaps once a week. Among vegetables not yet known were cauliflower, sweet corn, lettuce, cantaloupes, rhubarb, and tomatoes; while tropical fruits, like oranges and bananas, were the rare luxuries of the rich. Even the rich could not have ice in summer. In all externals, life was to change more in the next hundred years than it had changed in the past thousand.

Political standards were low, as we have seen. Says Professor McMaster very truly (*With the Fathers*, 71):—  
 “In all the frauds and tricks that go to make up *“Practical politics”* the worst form of ‘practical politics’—the men who founded our State and National governments were always our equals and often our masters.” To be sure there was less bribery than in more recent times. The great corporations, — railways, municipal lighting companies, and so on, — which, in their scramble for special privileges, were to become the chief source of corrupting later legislatures and city councils, had not yet appeared. *Public servants had infinitely less temptation to betray their trust for private gain than now; but public opinion as to the crime was far less sensitive than to-day.*

For private life, drunkenness was the American vice — with victims in all classes and in almost every family. The diet created a universal craving for strong drink. Foreigners complained, too, of a lack of cleanliness, and were shocked by the brutal fights at public gatherings, with biting off of ears and gouging out of eyes as commonplace accompaniments. Likewise, they found American society coarse and immodest in conversation (like English society of Fielding’s day, two generations earlier), but not immoral in conduct.

As everywhere else in the world, barbarous legal punishments and loathsome jail life still flourished. The insane were caged, like wild beasts, in dungeons underneath the ordinary prisons; and *debt brought more men to prison than any crime.*

America was justly famous for its *political writings* in con-

nection with the Revolution and the Constitution. Otherwise, after the death of Franklin, the country had had no man of letters; and it had little desire for literature. Painting reached a high point with Copley, Stuart, and Benjamin West; but these American artists could not earn a mechanic's living at home, and were forced to seek patronage in England. New England had developed her remarkable system of private endowed academies, for a few bright and energetic boys, as fitting schools for college; but the Boston Latin School was almost the only survivor of the Puritan attempt at public "grammar schools." Several more colleges had been organized toward 1800, but the instruction was barren, and attendance was meager. Harvard (page 315) had a faculty of a president, three professors, and four tutors. The elementary schools, even in New England, had decayed, commonly, into a two-months badly taught term in winter, for boys, and a like term, worse taught, in summer, for girls.

In the South, North Carolina and Georgia were trying, rather feebly, to redeem the pledges of their democratic constitutions (page 222). North Carolina had established fourteen academies, supported by land grants and *State lotteries*; and Georgia set aside large amounts of wild land and of confiscated Loyalist property to support schools and academies. That State also *planned* a noble "university" — which was to comprise all the public schools of all grades. Distinct instruction in law and medicine was beginning in two or three of the larger colleges; but, for many years to come, most young men who wished to become lawyers or doctors prepared themselves mainly by studying in the office of an old practitioner. Most colleges offered training in theology.

Three hopeful conditions in 1800, not yet touched upon, explain in large measure the wonderful progress of the American people in the century that followed. These were the *abundance of free land*, the *intellectual activity among even the agricultural classes*; and the peculiar American talent for mechanical invention.

Dearth of  
literature  
and art

Hopeful  
conditions

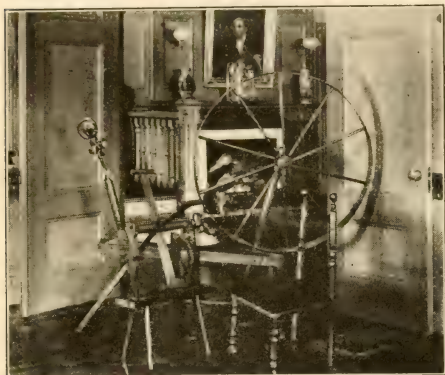


1. Free land, to be had for the taking, had been from the beginning the basis of American democracy. In colonial times it had protected the artisan against attempts by the aristocratic classes to keep down his wages Free land by law — since he could lay aside his trade for a farm. So, too, in 1800, free land *for some* meant better wages and industrial freedom *for all* the working classes. True, wages and the standard of living were still low; but this was because no great amount of wealth had been accumulated. Such wealth and comfort as existed was *distributed less unequally than now*. For the farming class itself, too, free land meant that only the best soils had to be used, and that, even on them, there was no such demand for costly fertilizing as in the Old World. Agriculture, the main American industry, was amazingly productive, even with the primitive methods of that day.

*This free land, however, was already becoming "less free."* At the close of the Revolution, Virginia and other States with large unsettled territory paid their soldiers largely in military "land warrants." Each such warrant authorized the *holder* to locate and get title to a certain amount of any of the State's wild land. But such lands were mainly at some distance from the settlements, and multitudes of soldiers sold their land warrants — often for a song — to large speculators, who then secured vast tracts in the most desirable districts. As early as 1784, Washington declared that such "forestallers" had left hardly a valuable spot in Virginia's lands within reach of the Ohio. He had reason to know, — for he was just back from the West where he himself had located enormous holdings, partly on military warrants purchased from soldiers.

2. The second consideration was even more important. In every Old-World land the men who tilled the soil were a peasantry — slow, stolid, unenterprising, wholly distinct from the rest of society. Intellectual alertness in tillers of the soil Here, in 1800, the men who tilled the soil — to quote Francis A. Walker's passage: —

"were the same kind of men precisely as those who filled the professions or were engaged in commercial or mechanical pursuits. Of two sons of the same mother, one [the weakling of the family



A COLONIAL SPINNING WHEEL, now preserved in Daniel Webster's old home in Marshfield, Massachusetts. In Webster's boyhood, his mother, in the farm home, spun the wool for his clothing on this wheel or on one like it.

perhaps, and so thought unfit for a farmer] became a lawyer, perhaps a judge, or went down to the city and became a merchant, or gave himself to political affairs and became a governor or a member of Congress. The other stayed upon the ancestral homestead, or made a new one for himself and his children out of the public domain, remaining all his life a plain hardworking farmer

[the children of the two families mingling without suspicion of social or intellectual distinction]. . . . *There was then no other country in the world, . . . where equal mental activity and alertness [were] applied to the soil as to trade and industry.*"

3. Of mechanical insight and invention, to quote General Walker again, — "There is only one nation in the world to **Mechanical** the *mass* of whose population this form of genius **invention** can be attributed. That nation is our own. There are few Americans of American stock . . . who have not mechanical aptitude in a measure which elsewhere would make them marked men. *'The American invents as the Greek chiselled, as the Venetian painted, as the modern Italian sings.'*"

## CHAPTER XIX

### THE REVOLUTION OF 1800

*As real a revolution in the principles of our government, as that of 1776 was in its form.* — THOMAS JEFFERSON.

*A Republic, you tell me, is a government in which the People have an essential share in the Sovereignty. Is not the whole Sovereignty, my friend, essentially in the People?* — SAMUEL ADAMS, in a letter to John Adams.

FROM 1801 to 1809, American history is sometimes called "the biography of Thomas Jefferson." The nation believed in him; Congress swayed to his wish; Thomas his great Secretaries (Madison for State affairs, Jefferson and Gallatin<sup>1</sup> for the Treasury) admired and followed him.

Jefferson was six feet, two and a half inches tall. His frame was vigorous but loose-jointed. His hair was sandy; and his face irregular, freckled, and sunny. He was an athletic and reckless horseman, an enthusiastic farmer, and the valued correspondent of the most famous scholars of Europe. The accounts of contemporaries show him, sitting on one hip with neglected dress and slippers down-at-the-heel, chatting with rambling charm; or, with methodical industry, recording minutest weather details; or drawing up neat tables to show, through a period of several years, the dates for the appearance of thirty-seven vegetables in the Washington markets; or reporting judicial decisions — in the first *American Reports*; or devising rules for parliamentary procedure — again the first volume of its kind; or directing, with gentle suggestion, the politics of a distant State; or discussing with a French scientist the latest

<sup>1</sup> Gallatin was a Swiss emigrant, and, for some years past, a leader of the radical Republican party in Pennsylvania. He had criticized Hamilton's financial policy keenly, and had even been identified with the earlier stages of the movement that resulted in the Whisky Rebellion.



discovery in that celebrity's special field; or inditing some other form of that voluminous correspondence which well earns him the title "the greatest American letter-writer."

In 1800 Jefferson had already had a distinguished career. He entered the Virginia Assembly in the memorable session of 1769. Four years later he was one of the leaders in that body in organizing the first Intercolonial Committee of Correspondence. In 1775 he became a delegate to the Continental Congress. A year later he was again in the Virginia Assembly, to lead a social revolution in that State, by legislation, amid all the turmoil of war.

**His earlier career** Under his guidance, the reform party, in 1777-1778, (1) prohibited further importation of slaves into the State; (2) swept away the church establishment, along with every vestige of ancient checks upon religious freedom; (3) overthrew entail and primogeniture — the semifeudal bulwarks of the landed aristocracy; and (4) replaced the complex barbarities of the old legal system by a new code simple, compact, and humane. In all this struggle Jefferson was supported by the solid backing of the western Scotch-Irish counties. His victory Americanized Virginia and consolidated there the Democratic party he was afterward to organize for the nation at large.

The aristocratic opposition was particularly bitter against the abolition of the rule of primogeniture. The leaders pleaded for at least a double inheritance for the oldest son. Not unless it can be shown that the oldest son needs twice as much to feed and clothe him, replied Jefferson. Soon after, Jefferson's only son, a babe, died from exposure in a midwinter flight from a Tory raid; and the aristocratic planters were not ashamed to call this calamity a "righteous judgment of God," "destroying the family of the man who had wished to destroy all families."

Jefferson's views had been even more far-reaching than the actual accomplishment. He had hoped for gradual emancipation of slaves and for a noble system of public schools. The latter scheme he returned to enthusiasti-

cally, but with little result, in his old age; and he did at last carry out his plans for reorganizing the University of Virginia — on the main lines along which the State universities were afterwards to develop.

For the next two years (1779–1780) Jefferson served as governor of Virginia. Then after brief retirement, due to private griefs, he reappeared in the Continental Congress in 1783, for brief but distinguished service (pages 252, 255). Next we see him American Minister in France. There he watched the early stages of the French Revolution with eager sympathy, and while preserving in public the impartial attitude proper for a foreign minister, he was in private the valued adviser of Lafayette and other reformers, whose inexperienced enthusiasm he was sometimes able to direct wisely. French thought now secured a strong influence upon him; but his admiration for that country in no way weakened his Americanism. He urged Monroe to come to Europe, “because it will make you adore your own country, its soil, climate, equality, liberty, laws, people, manners”; and he predicted that, while many Europeans would remove to America, no man then living would see an American seek a home in Europe. In 1790 he returned to America to take a place in Washington’s Cabinet, and then to build skillfully the party of the people, which triumphed in his election to the presidency. It is characteristic that, at the close of his brief Autobiography, in counting up his services to his fellows, Jefferson gives prominent place to his efforts in making navigable a Virginia creek and to his introducing into South Carolina a heavier and better rice than was before grown in America. “The greatest service which can be rendered to any country,” he comments, “is to add a useful plant to its cultivation.”

Life in  
France.  
1785–1789

The two things that men remember against this broad background of varied activity are that Jefferson gave immortal form to the principles of the political Revolution of 1776, in the Declaration of Independence, and that he stood for the democratic aspirations of the social “revolution of

1800." The modest shaft that marks his resting place bears only the words (selected by himself), "Author of the Declaration of Independence, of the statute of Virginia for Religious freedom, and Father of the University of Virginia." With true insight, Jefferson represented in that epitaph his work in three *related* fields, — political liberty, religious liberty, and higher popular education. History adds the proud dictum of one of his biographers: "If America is right, Thomas Jefferson was right."

Jefferson's political principles, for domestic concerns, were (1) trust in the people; (2) restriction of all government,<sup>1</sup> especially of the Central government; (3) frugality; (4) simplicity; and (5) "encouragement of agriculture, and of commerce as her handmaid," rather than of manufactures. These principles are summed up admirably in his first inaugural. "Absolute acquiescence in the decisions of the majority is the vital principle of republics." The best government is one that "while it restrains men from injuring one another, shall leave them otherwise free to regulate their own pursuits, and shall not take from the mouth of labor the bread it has earned." He further declares his purpose to secure "equal and exact justice to all men," and to defend "freedom of religion, freedom of the press, and freedom of the person."

As to foreign affairs Jefferson hoped to begin a golden age of peace. War was a blunder. Army and navy we could dispense with. At most, we could need only "commercial coercion" to secure our rights from other nations: "Our commerce is so valuable to them," he argued, "that they will be glad to purchase it when the only price we ask is that they do us justice." Years later, when

<sup>1</sup> Government in that day was almost wholly repressive, — or beneficent to a privileged class only, at the expense of other classes. It did not yet dream of providing schools, libraries, hospitals, asylums, weather bureaus, or the manifold other activities of general helpfulness now belonging to it. In the closing years of his administration, Jefferson became one of the early advocates of this wider helpfulness (page 364).



rude experience had shattered his noble dream of *universal* peace, Jefferson turned to a vision of a *New-World* peace, with the United States as the protecting elder brother of American nations. He hopes for "fraternization among all American nations," and dwells upon the importance of their "coalescing in an American policy totally independent of that of Europe," adding, "When our strength will permit us to give the law to our hemisphere, it should be that the meridian of the mid-Atlantic should be the line of demarcation between peace and war, — on this side of which no act of hostility should be permitted." And again, "The day is not far distant when we [the United States] may formally require a median of partition through the ocean, on the hither side of which no European gun shall ever be fired, nor an American on the other, and when, during the rage of eternal war in Europe, the lion and the lamb within our regions shall lie down in peace."

A prophecy  
of the  
Monroe  
Doctrine

The election of Jefferson marked a true peaceful revolution. The nation had resumed its progress toward democracy, after the years of interruption due to the conservative crusade for a strong government. Jefferson urged a friend to accept a place in the Cabinet so that he might be of service "in the *new* establishment of Republicanism . . . hitherto we have seen only its travestie." The change, however, was rather in the spirit of the administration than in its governmental acts.

The "revolution" of  
1800

"Jeffersonian simplicity" has become a byword. At each previous inauguration, the President had been driven in state, in coach and six, to the ceremony. Jefferson walked quietly from his boarding house to the Capitol to take the oath of office. Washington had "opened" Congress in person by a speech that left many hints of a resemblance to the English "speech from the throne"; and Congress had replied by drawing up an "address of thanks," and then driving in formal procession to the President's residence and standing bareheaded in his

"Jeffersonian  
simplicity"

presence while it was read. Adams had jealously guarded all these trappings. But from the first, Jefferson set the example that all communication with Congress, even the opening messages, should be by writing. (In 1913 Woodrow Wilson restored the *personal* speech to Congress *without* the original aristocratic trappings.) In matters of hospitality at the White House, too, Jefferson discarded the elaborate and courtly ceremonial of Washington and Adams—possibly to an unwise degree, since the new “pell-mell” methods irritated needlessly certain old-world diplomats at Washington.

Not much legislative reform was found necessary. The vicious Alien and Sedition Acts had been enacted for only two years, and had expired. The fourteen-year Naturalization law of 1797 was repealed, along with all internal revenue taxes (whisky tax and stamp duties), and with the Judiciary Act of 1801. The Federalists charged that this repeal was unconstitutional, and that the Republicans had dragged the judiciary into politics! Congress is forbidden by the Constitution to decrease the salary of a judge, or to dismiss him from office. Can it, then, take salary and office from the judge by abolishing the court? To prevent the Supreme Court from interfering with the repeal, another law adjourned the sittings of that body for some months. (This precedent of abolishing a Federal Court has been followed once in later years, when the Commerce Court was abolished in 1913.)

One other reform in finance is notable. In the past the administration had had the employment of whatever funds Congress raised. Now Jefferson and Gallatin limited their own tremendous power in this matter, by calling upon Congress to make *specific appropriations* only. This precedent has been followed ever since. *The debt* had never been decreased by the Federalists; and the war flurry of 1798 had raised it, through new loans, to \$83,000,000, with an interest charge each year of \$3,500,000. During the last years of Fed-

Repeal  
of the  
Judiciary  
Act of 1801

Economy  
and the  
public debt

eralist rule, moreover, *ordinary* expenditure had outrun ordinary income. One of Jefferson's dearest hopes was to abolish the national debt, and he and Gallatin planned to get rid of half of it in eight years. The \$6,000,000 formerly spent on army and navy was cut to \$1,000,000 (the army being decreased to 3000 men and most of the war vessels being docked), and every saving possible in any other department was rigidly enforced. In 1803 the purchase of Louisiana added \$15,000,000 to the debt, and war with the Barbary Pirates compelled more military expense. The giving up of internal taxes, too, had greatly reduced the revenue. Still Jefferson's promises were well kept: at the end of his eight years, the debt had been cut down to \$57,000,000, with an interest charge of only \$2,000,000 a year.

Jefferson's most annoying problems had to do with the Civil Service. The Federalist Presidents had excluded Republicans from all office. They had not had to dismiss any: *none got in*. This policy, too, had been emphatically avowed. Washington wrote to Pickering, his Secretary of War in his second administration: "I shall not, while I have the honor of administering the government, bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures the general government are pursuing; for this, in my opinion, would be a sort of political suicide." And Senator Bayard, as mouthpiece for Adams, declared, "The politics of the office-seeker will be the great object of the President's attention, and an invincible objection if different from his own." Washington and Adams did not use office to pay for party services: they did use it to strengthen the "right party" (their party) and so "save the country." This attitude was morally very far from the later spoils system of Jackson's day, but it was practically sure to glide into that system.

Now had come the first change of party. If Jefferson followed Washington's policy to its logical conclusion, he would dismiss *all* officeholders, to make room for Re-



publicans. His opponents feared, and many supporters hoped, that he would do so. Jefferson removed only about twenty officials for political reasons, — these mainly Federal marshals and attorneys;<sup>1</sup> and in spite of all changes from various causes, more than half of the officials of March 4, 1801, were still holding office four years later.

Moreover, Jefferson and Gallatin were the first statesmen in the world to think out the principles upon which alone a non-partisan civil service can be permanently maintained. They saw and said that each officeholder ought to be at liberty to think and vote as his conscience led, but that, to preserve this freedom, he must refrain from "electioneering activity," or, in modern phrase, from "offensive partisanship." Gallatin prepared a circular to warn subordinates in his department that "while freedom of opinion and freedom of suffrage are imprescriptible rights, the President would regard any exercise of *official* influence to control the same rights in others as destructive of the fundamental principles of a Republican constitution." Gallatin makes clear that this was to apply to official activity *for* the administration as well as against it. Jefferson's views are set forth in his correspondence: —

"Mr. Adams' last appointments, *when he knew he was naming counsellors and aids for me* and not for himself, I set aside as far as depends on me, and will not deliver commissions when still in executive hands. Officers who have been guilty of gross abuses of office, such as marshals packing juries, etc. [to secure conviction under prosecution for "sedition"], I shall now remove, as my predecessor should have done. . . . *The right of opinion shall suffer no invasion from me*" (Letter to Gerry, March 29, 1801). He then thought that "of the thousands of officers in the United States, a very few individuals only, probably not twenty, will be removed" (Letter to Rush, March 24). Later he adds "industrious partisanship" as a proper cause for removal; and July 21, in reply to Federalist critics, he asks whether the minority expect

<sup>1</sup> From the very first, Jefferson stated his intention to change some of these officers, as the only means left him to partly correct the Federalist monopoly of the courts. The courts themselves he *could* not change, but he could keep open these "doorways."

to continue to monopolize the offices from which, when in power, they excluded *all* their opponents, and queries how a "due participation" for the majority is to be obtained, since vacancies "by death are few, by resignation, none." About a year later he admits that his program has not been followed "with the un-deviating resolution I could have wished" (Oct. 25, 1802).

Even after the repeal of the Judiciary Act of 1801, the Federalists remained in complete possession of the courts; and those courts showed a bitter and shameful partisanship. Chief Justice Dana of Massachusetts, in 1798, during a political campaign, in a charge to a grand jury, attacked the Republican party (including Jefferson especially) as "*apostles of atheism, anarchy, bloodshed, and plunder.*" His charge was toasted at a Boston banquet, as dictated by "intelligence, integrity, and patriotism." Even Washington so approved it that he sent copies to his friends.

Federalist  
partisanship  
in the courts

Justice Chase of the Supreme Court had given even greater cause of offense. In 1803, in a charge to a Maryland grand jury, he had declared that the Republican attempt in Maryland to establish manhood suffrage, "*will, in my judgment, take away all security for property and personal liberty [in that State] . . . The modern doctrines . . . that all men . . . are entitled to equal liberty and equal rights have brought this mighty mischief upon us.*" Chase had presided also at two "sedition" trials, and had manifested there a partisan and browbeating disposition. Twice his violence drove from the court the most eminent lawyers of the circuit; and during the political campaign of 1800, he had broken up the sessions in order to make Federalist speeches.

Jefferson felt keenly the need of correcting the partisan character of this appointive branch of the government. In December, 1801, he wrote: "They [the Federalists] have retired into the Judiciary as a stronghold. There the remains of Federalism are to be preserved and fed from the treasury; and from that battery all the works of Republicanism are to be beaten down and destroyed."

The failure  
of impeach-  
ments

But the principles of the Republicans with regard to the government forbade them to *enlarge* the courts, and so get control. And in any case they could not very well have done that just after repealing the vicious Federalist law. All Federal judges held "during good behavior"; and the only way left for the Republicans to get a foothold was to remove judges by *impeachment*. After much hesitation and only half-heartedly, Jefferson and his party tried this method. Justice Pickering, of the New Hampshire District, was removed for drunkenness while on duty,<sup>1</sup> but an attempt to remove Justice Chase from the Supreme Court for his partisan conduct failed of the necessary two-thirds vote in the Senate. Then the movement was dropped.

The breakdown of this attack upon Federalism in the Courts left John Marshall free to complete Hamilton's work and to make the Constitution a National constitution by his judicial decisions. Marshall was one of Adams' latest appointments. He served as Chief Justice from 1801 to 1835; and his intellectual dominance over his associates brought to his way of thought five Republican justices appointed by Jefferson and Madison to outweigh him. He was a man of simple manners, of direct, upright, engaging character, of mighty intellect, but of strong prejudices.

Marshall's first great decision was in the famous case of *Marbury vs. Madison*. Adams' appointments had been completed so late on March 3 that some of the commissions were left undelivered. Jefferson declared such papers of no account, and made new appointments. A certain Marbury, whom Adams had named a Justice of the Peace for the District of Columbia, sued in the Supreme Court for a writ of mandamus, to compel Madison (the

John  
Marshall  
"Marbury  
vs. Madison"

<sup>1</sup> The Federalists defended Pickering on the ground of *insanity*, — insisting at the same time that there was no constitutional ground for impeachment. Indeed, until recently it has been held that the "high crimes and misdemeanors," named in the Constitution as the occasion for impeachment, must be such offenses as the accused man might be indicted for before a criminal court. The difficulty was evaded this time in the Senate by voting that Pickering was "guilty as charged." In 1913, the Senate, without any evasion, removed Justice Archbold from the United States Commerce Court for "graft," although no law could reach his offense.



new Secretary of State) to issue to him his withheld commission. The court declared, through Marshall's pen, that it had no jurisdiction in such a suit.<sup>1</sup> True, the Judiciary Act of 1780 had distinctly given the Supreme Court authority to issue just such writs; but since the Constitution itself did not name any such contest *between a citizen and a public officer* as included in the original jurisdiction for the Supreme Court, that particular provision of the law of 1789 was now declared unconstitutional and void.

This was the first time the Supreme Court declared void any part of an Act of Congress. The clause was one conferring power upon the court itself. No other so modest opportunity could have been found. But the argument of the Chief Justice went on, far beyond the immediate case, to establish this power of the courts in all cases where, in their judgment, they might find conflict between a law and the fundamental law. The decision was to become the basis for future extension of this power.

First assumption of power by the court to void an act of Congress

In 1804 Jefferson was reëlected by 162 electoral votes to 14; and even in the hold-over Senate of 34 members, there were only 7 Federalists. Jefferson's popularity seemed higher than ever. Early in his second term, the Vermont legislature requested him to permit his name to be used a third time, for the campaign of 1808, and this nomination was promptly seconded by legislatures in seven other States. *Jefferson declined*, and used the opportunity to *establish firmly one more Republican doctrine*. Washington's refusal to be a candidate for a third term had no constitutional bearing. He refused for purely personal reasons, and he felt it needful to excuse himself against a possible charge of lack of patriotism in laying down his task. Jefferson

Jefferson's reëlection

<sup>1</sup> Marshall's partisan feeling led him, none the less, to add that Marbury was legally entitled to the office. Since Marshall had been acting through March 3 as Adams' Secretary of State, in signing commissions, he came perilously near acting as judge in a case in which he was himself vitally interested. Says Professor Channing (*Jeffersonian System*, 118), — "This is the one decision in Marshall's judicial career which still gives pain to all but his blindest admirers."

declined, *in order to establish a principle*. While the Constitution was in the making, he had written from Paris urging that a limit should be set in that document upon the number of times the chief magistrate might be reëlected; and now he urged that some limit should be fixed *by custom*, or the tenure might come to be for life. The limit, he added, should be two terms, as already suggested by Washington's action. Any longer tenure would be "dangerous to Republican institutions."

This response caught the popular imagination. Addresses poured in from mass meetings and legislatures approving its patriotism and its doctrine, and expressing ardent hope that the example might be followed in succeeding history. The principle became at once so firmly embedded in our unwritten constitution that only once has an attempt been made to override it.

In Jefferson's second administration, a new tone of centralization was noticeable. Republicanism had been modified by the very completeness of its victory. Nearly half its adherents now had formerly been Federalists, and still remained half Federalist in political thought. Moreover, the "Old Republicans" themselves, under the responsibilities and opportunities of office, began to feel differently toward the power of the government. Jefferson, indeed, strove valiantly not to "make waste paper of the Constitution by construction." But he came to *favor amendments* such as would have greatly enlarged the sphere of the government's action. In his second inaugural, he called attention to the rapid decrease of the debt, and to the fact that only a few millions more could be taken up in the next few years (the rest not being due). He then suggested that, instead of decreasing the revenue tariffs "on luxuries," the surplus revenue, *by a proper amendment to the Constitution*, might be applied to "rivers, canals, roads, arts, *manufactures*, education, and other great objects." Soon after, he wrote to Gallatin that he was "impatient to begin upon canals, roads, colleges, etc."

Lacking the amendments, Jefferson reluctantly acted sometimes under the doctrine of implied powers which he had once denounced. The first such extension of powers concerned the improvement of harbors. The government raised a sunken gunboat which imperiled a harbor entrance; and this precedent led to the further removal of harbor obstructions. The building of dry docks, to protect the unused national navy, was extended to the construction of public wharves for commerce. And, though Jefferson had looked with critical eye upon the construction of a Federal lighthouse in Washington's time, he now quietly approved large appropriations for the exceedingly useful coast survey, inaugurated in 1806. "The utility of the thing has sanctioned the infraction," he said.

The excuse for Federal expenditure on harbors was that it was paid for out of the tonnage tax on vessels that used the harbors. But, what harbors were to Eastern communities, roads would be to the people of the West. Why should not the nation build such roads and pay for them out of the sale of the public lands, — to which they would give value? This was the guise under which the question of "internal improvements" first appeared.

When Ohio was admitted as a State, in 1802, the national government still owned a vast domain within the borders of the new commonwealth. On the suggestion of Gallatin, Congress promised that one twentieth of the proceeds from the sale of those lands should be used in building roads from Atlantic rivers to the Ohio River, and afterward on roads within the State. The strict constructionists excused the measure as a bargain between the United States and Ohio. Ohio, said Gallatin, could hardly be expected to acquiesce in the nation's retaining title to the vast public domain inside the State without some such sop. But lands sold slowly, and in 1806 Congress agreed to advance \$30,000 (to be repaid out of the future land sales); and a survey was begun at once for "The National Road," from Fort Cumberland in Maryland, on the Potomac, to Wheeling in western Virginia, on the upper Ohio.

Harbor im-  
provements

" Internal  
improve-  
ments "

The  
" National  
Road "



In his next message to Congress (December, 1806), Jefferson urged (along with the suggestion of a necessary amendment) a national university and a system of internal improvements to cement the union between the States. *Without reference to the need of an amendment*, Congress replied by asking the executive to submit a plan for roads and canals. This led to Gallatin's famous report of 1808. That paper sketched a comprehensive system of communication to be built during a period of ten years, at an expense of \$2,000,000 a year. (1) Canals through Cape Cod, New Jersey, and other projections were to create a shorter and safer inside coast route. (2) A turnpike was to run from Maine to Georgia. And (3) turnpikes were to join four eastern rivers with streams beyond the mountains. But at this moment national revenue fell away, because of the embargo (page 382), and for some years all such projects were lost in war clouds.

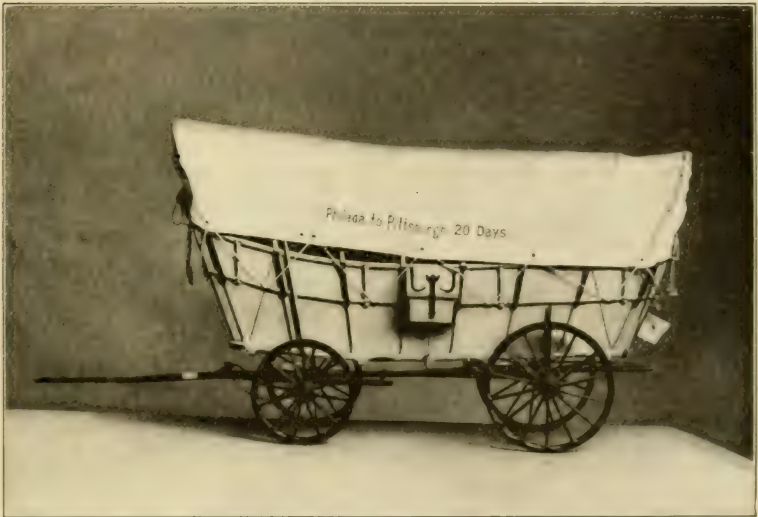
*Pennsylvania*, alone of the States, *began to act vigorously for herself*. In the six years after Gallatin's plan was dropped by Congress (1809-1815), that State spent \$2,000,000 on roads, and, under State encouragement, private corporations spent twice as much more on toll roads. By 1815, a thousand miles of turnpikes, with good bridges, linked together the important districts of the commonwealth, and joined the eastern waters with Pittsburg on the Ohio.

Western settlement continued in the period 1800-1810 much as in the ten years preceding but with much less peril from Indians. Three distinct waves of settlement were noticeable, as for long after on frontiers. *Backwoodsmen* opened small clearings, which, after a few years, were bought out and enlarged by *pioneer farmers*, who, in turn, soon followed the backwoods hunters farther west, selling out their first homes to a *more permanent set of farmers* with more capital.

The "backwoodsmen" were usually "squatters." The "farmers" secured title from the Federal government.

After 1800, land could be bought in 160-acre lots at two dollars an acre. And only one fourth of this had to be paid down: the rest could be paid over a period of four years, "out of the profits of the crops." In the ten years before 1800, less than a million acres of public land had been sold to settlers by the government; but, in the next twenty years, sales averaged a million acres a year, and the lines of would-be purchasers

The credit  
system for  
public  
lands,  
1800-1820



A CONESTOGA WAGON. An early form of "prairie schooner" used in emigration from the coast districts to the Ohio after Pennsylvania built her roads.

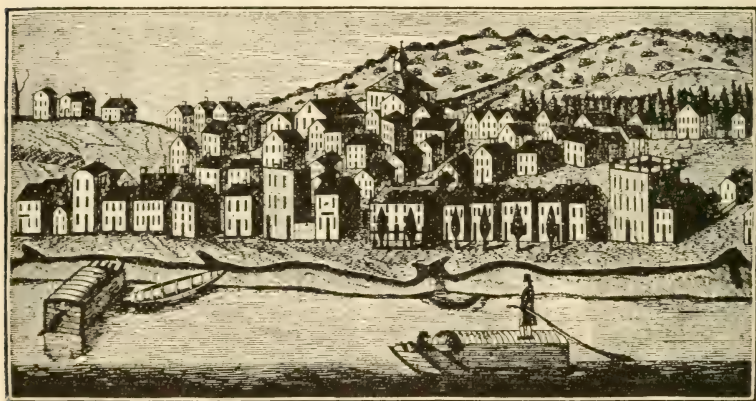
before Western land offices suggested the phrase, "doing a land-office business."

Between 1800 and 1810, Ohio grew ninefold, — from 45,000 to 406,000; while 24,000 people pressed on into the southern districts of Indiana, and half that many penetrated even into southern Illinois. Even the older communities south of the Ohio, — Kentucky and Tennessee, — doubled their numbers, rising to two thirds of a million. In 1811, 1200 flatboats passed the rapids of the Ohio with cargoes of bacon, beef, and flour, bound down river. The West had found a way, also, to market large parts of its corn "on the

hoof." Each fall, immense droves of cattle and hogs (4000 "razor-backs" in one drove) were driven over the wagon roads to the eastern cities, finding subsistence as they moved.

And now came the steamboat, with its promise of making the vast western territory accessible. The Watts *stationary* steam engine had been in use in England for several years and in 1800 there were four or five such engines in America. But in this country, with its tremendous distances, and its lack of roads, *the first need was to apply steam to locomotion by water.*

As early as 1789, *John Fitch*, a poor man without education but with marked inventive genius, built a ferryboat with



CINCINNATI IN 1810. From Howe's *Historical Collections of Ohio*.

paddles driven by a steam engine of his own construction, and ran it up as well as down the river at Philadelphia for some months. But capital was still timid and conservative; and, in spite of his remarkable success, Fitch could not raise money, east or west, to improve or continue his experiment; and, after a ten years' struggle, he put an end to his life, in disgust and despair, in a Kentucky tavern. During these same years, Philadelphia had another neglected genius, *Oliver Evans*, who likewise built a steam engine suited for locomotion; but again the inventor failed



to secure money to finance the undertaking to practical success. The like was true of James Rumsey of Virginia, who possibly preceded even Fitch in his successful application of steam to water navigation.

*Robert Fulton* was more fortunate. He too had spent heartbreaking years, both in Europe and America, in attempts to find capital to back his invention. Napoleon repulsed him as a faker — and so lost his chance for command of the English Channel and for world empire; but at last the inventor secured money from Chancellor Livingston of New York. In 1807, amid the jeers of the bystanders, he launched the *Clermont*. That boat amazed the world by a trial trip *up* the river from New York to Albany (150 miles) in 32 hours. The next year a line of steamboats was plying regularly on the Hudson, and men were planning them on Western rivers.

## CHAPTER XX

### TERRITORIAL EXPANSION

#### I. THE WESTERN HALF OF THE MISSISSIPPI VALLEY

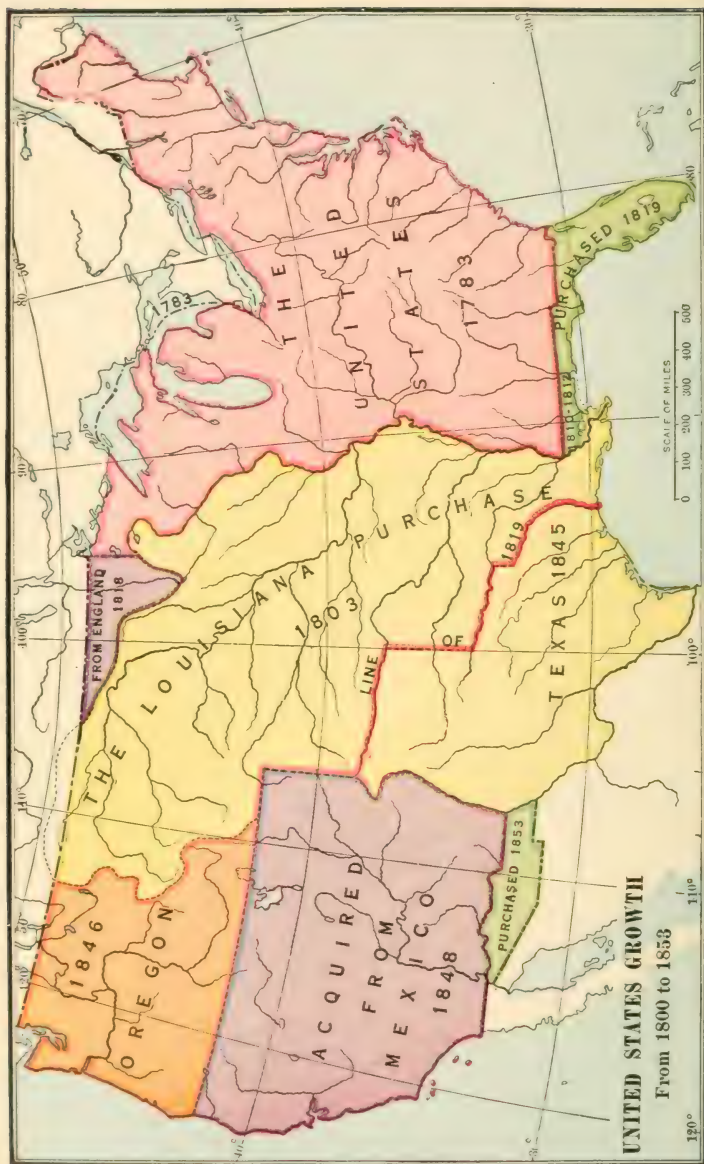
THE most important one event in Jefferson's administration was the Louisiana Purchase. Jefferson had always sympathized with the attitude of the West toward Spain's hold upon the mouth of the Mississippi (p. 247). When Jay in 1786 had proposed a treaty with Spain, whereby, in return for certain commercial concessions, we were to surrender for twenty-five years all claim to navigate the Mississippi, Jefferson wrote from Paris in solemn warning, "The act which abandons the navigation of the Mississippi *is an act of separation* between us and the Western country." Man of peace though he was, he had said that such portions of the vast domain of dying Spain as we wanted *must* come to us in time, — *by force* if necessary; but he had believed confidently that such territory would drop *peacefully* into our hands, as Spain's grasp weakened.

But late in 1801 fell a thunderbolt: America learned that Spain had secretly ceded Louisiana back to France, then the most aggressive of European nations. Congress hastily passed a war appropriation; and Jefferson, spite of his French sympathies, saw that we must fight<sup>1</sup> or purchase. He instructed Livingston, our minister at Paris, to buy the island of New Orleans,

<sup>1</sup> Jefferson said that France had become our foe "by the law of Nature." He wrote to Livingston: "There is on the globe one single spot, the possessor of which is our natural . . . enemy. . . . France, placing herself in that door, assumes to us an attitude of defiance. . . . The day that France takes possession of New Orleans . . . seals the union of two nations who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the *British* fleet and nation."







and sent Monroe, as special envoy, to help him. Monroe found a great and unexpected bargain practically completed. Napoleon had suddenly changed front; and, April 30, 1803, for the petty price of \$15,000,000, the United States doubled its territory.

A splendid army of twenty-five thousand French veterans had just wasted away, against tropical fever and the generalship of the Negro leader Toussaint L'Ouverture, in an attempt to secure Haiti as a half-way station to Louisiana. Napoleon hesitated to send more of his soldiers to hold the swamps at the mouth of the Mississippi against American frontiersmen swarming down that stream. Moreover, he had already decided upon a new war with England; and a distant colony would be exposed to almost certain seizure by the English navy. So he abandoned his dream of American colonial empire, together with his solemn pledges to Spain,<sup>1</sup> and, with characteristic abruptness, forced upon the American negotiators not merely the patch of ground they asked for at the river's mouth, *but the whole western half of the great river valley*, — which they had not particularly wanted.

Napoleon  
sells to the  
United  
States

The heart of the American people was immediately fired by the grand prospect of expansion opened to them by the Purchase; and Jefferson wrote a few weeks later: — "Objections are raising to the eastward [among leaders of New England Federalism] to the vast extent of our territory, and propositions are made to exchange Louisiana, or a part of it,

<sup>1</sup> Spain had hoped to find compensation for Louisiana by interposing France as a barrier between the United States and her other American possessions. Talleyrand, who had managed the French negotiations with Spain, played upon this string. "The Americans," he urged, "are devoured by pride," and "mean at any cost to rule alone in the whole continent. . . . The only means of putting an end to their ambition is to shut them up within the limits Nature seems to have traced for them [east of the Mississippi]. . . . Spain, therefore, cannot too quickly engage the aid of a preponderating power, *yielding to it a small part of her immense dominions in order to preserve the rest*. . . . France [mistress of Louisiana] will be to her a wall of brass, impenetrable forever to the combined efforts of England and America." Finally, a *specific pledge* never to alienate the province to America became *part of the price* France paid.

for the Floridas. But we shall get the Floridas without, and *I would not give one inch of the waters of the Mississippi to any foreign power.*"

A coterie of Federalist leaders offered rabid opposition to the ratification of the treaty, partly from hatred of Jefferson, but more from jealous dread of the West. They were quickly overborne; but the discussion brought into prominence three constitutional questions.

1. *Power to acquire territory* is not among the powers of Congress enumerated in the Constitution. According to the "strict construction" theory, the purchase of Louisiana was unconstitutional. Jefferson wanted an amendment to confirm the purchase. "The executive," he wrote, "in seizing the *fugitive* occurrence which so much advances the good of their country, have done an act beyond the Constitution. The legislature . . . risking themselves like faithful servants, must ratify and pay for it, and [then] *throw themselves on the country*" for an amendment, which should be also "an act of indemnity." But he found no one among his friends willing to risk the precious prize by the delay that must go with an attempt at amendment. Such a move would imply that the purchase was not fully ratified; and meanwhile Napoleon might again change his mind. So that plan was dropped. In the debates in Congress, Republican members adopted frankly the doctrine of "implied powers." The right to acquire territory must exist, they argued, as a result (1) of the right to make treaties, and (2) of the power to make war and peace.

2. *Were the inhabitants entitled to civil and political rights?*

New Orleans had a population of 50,000. The treaty of purchase had promised that the inhabitants of the district should be "incorporated in the Union of the United States" and admitted, as soon as possible, to all the rights of citizens. The Federalists based their opposition to the treaty mainly on this provision. The admission of a new member to "the

The Constitution and the power to acquire territory

Civil rights of inhabitants in newly acquired territory



partnership of States," they urged, was not permissible "except by the consent of all the old partners." This was State sovereignty doctrine.

But the Republicans themselves hesitated to carry out the promise of statehood to a foreign population bitterly aggrieved at transfer to American rule. In the spring of 1804 Congress divided the newly acquired region into two parts. The larger northern part (almost uninhabited), styled the "District of Louisiana," was attached to Indiana Territory (page 258). The southern part was created "The Territory of New Orleans"; but the govern- The Territory of New Orleans ment was intrusted to a governor, council, and judges *all appointed by the President*; and provision was made for jury trial in capital cases only.

This was a denial of all right of self-government to a highly civilized and densely settled district. It seemed strangely out of place at the hand of Jeffersonians, and it caused loud outcry in New Orleans. The Republicans defended the constitutionality of the Act on the ground that the guarantees in the Constitution applied only to citizens of the *States*, not to inhabitants of "territory *belonging to the United States*" (3 below).<sup>1</sup>

3. *The treaty promised certain exemptions from tariffs to French and Spanish ships in Louisiana ports for twelve years.* The Constitution requires that "all duties shall be uniform throughout the United States." Was there a conflict between these provisions? " Territory belonging to the United States "

The answer depends upon the meaning of "United States" in the clause quoted. That term, territorially, has two meanings. To-day we give it commonly the larger

<sup>1</sup> In 1812, after a bitter struggle in Congress, the Territory of New Orleans came into the Union as the State of Louisiana. The New England Federalists resisted the admission furiously, because it seemed to transfer political power to the South. Josiah Quincy, their leader in Congress, affirmed: "I am compelled to declare it as my deliberate opinion that, if this bill passes, the bonds of this union are, virtually, dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare, definitely, for a separation: amicably, if they can; violently, if they must. . . ."

sense in which it signifies all the land under the government of the American nation, — States, Territories, and unorganized Domain. But the Constitution, certainly in some places and probably in all, uses the term to signify only the territory *within the States*. Territory not within a State was not referred to as “*part of the United States*,” but as “*belonging to the United States*” (Article IV). In this sense, New Orleans was not, in 1803–1810, a part of the United States. For such “territory” Congress is authorized to make “all needful rules and regulations.”

Almost identical questions have arisen since, in connection with the acquisition of Florida and the Philippines. In the Florida case, the Supreme Court held that the ports of that newly acquired territory were not ports of the United States, and that the revenue laws of the United States did not apply there unless expressly extended by act of Congress. In the other case, the Court upheld a tariff *between* the “insular possessions” and the rest of the “United States.”

## II. WEST FLORIDA AND THE TEXAS CLAIM

The Louisiana Purchase gave rise, also, to the West Florida question. Under France, before 1763, Louisiana had included a strip of Gulf coast east of the Mississippi's mouth. But when France ceded Louisiana to Spain (1763), *England had already secured that strip and was governing it as “West Florida”* (from the Iberville, or eastern mouth of the Mississippi, to the Apalachicola). The treaty of 1763 between Spain and England made these boundaries plain. Louisiana *then* comprised (1) the vast valley west of the Mississippi, and (2) the island of New Orleans bounded on the east by the Iberville. In 1783 Spain recovered *both* Louisiana (from France) and West Florida (from England.) *But she did not reunite them.* She kept the two provinces *under separate governments and under these separate names*; and in 1800 she ceded back to France only the one she *then* called Louisiana. (Maps on page 376.)

Louisiana  
and West  
Florida

Livingston had been instructed to get West Florida if possible. Now, taking advantage of the vague wording of his purchase treaty, he set up the claim that he had done so — using “Louisiana” in the meaning of forty years before, in place of its meaning for twenty years last past. Indeed he urged the government to use “the favorable moment” to take possession, “even though a little force should be necessary.” Jefferson seems to have approved the idea. John Randolph, the spokesman for the administration in Congress, declared we had bought the mouth of “the Mobile with its widely extended branches; and there is not now a single stream of note rising within the United States and falling into the Gulf . . . which is not entirely our own, the Appalachicola excepted.”

The United States claims West Florida

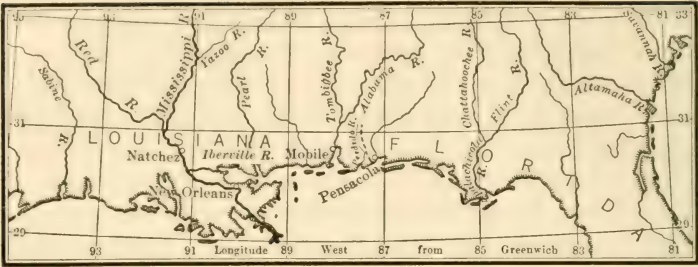
But when Napoleon sent his lieutenant, Laussat, to America in 1803, to take formal possession of Louisiana from Spain, in order to transfer it to the United States, he told that officer plainly that the eastern boundary was the Mississippi *and the Iberville*. Laussat so told Jefferson; and we received Louisiana with this understanding *and without protest*. None the less, a few weeks later, *Congress created West Florida into a United States revenue district*, and annexed it to the Territory of Mississippi. This “Mobile Act,” however, was never put in force. Spain’s protest was so unanswerable that Jefferson was driven into discreditable evasions in trying to explain his position.

Thus the matter slumbered six years. In 1808 Napoleon seized Spain, and soon the Spanish colonies in America, one by one, became independent states. In West Florida this movement was managed by *Americans* who had migrated across the Iberville and formed settlements between that river and the Perdido. In July, 1810, they demanded from the Spanish governor a remodeling of the government. For a while they acted in harmony with him; but soon they issued a declaration of independence, and applied to the United States for annexation. October 27, President Madison ordered the American gov-

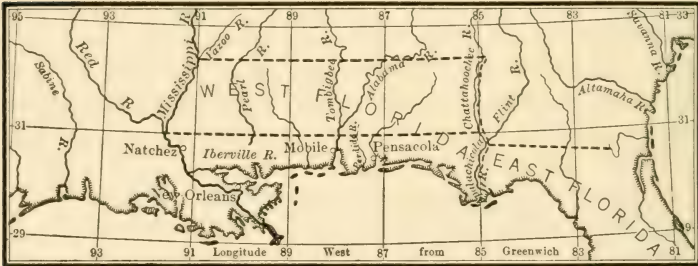
The revolution in West Florida in 1810

And the seizure by the United States

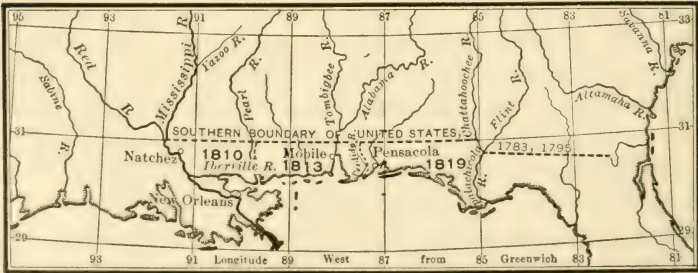




FRENCH LOUISIANA AND SPANISH FLORIDA, 1756. (With dividing line at the Perdido.)



ENGLISH WEST FLORIDA, 1773-1783. (From the Mississippi to the Appalachian.)



SPANISH AND AMERICAN WEST FLORIDA, 1783-1819. (The figures show date of acquisition by the United States.)

ernor at New Orleans to take military possession as far as to the Perdido, and Congress then annexed the district to the Territory of New Orleans.

Madison tried to justify this robbery of a friendly power by pretending to fear that England might seize the territory if we did not (a convenient pretext used by our government more than once since to cover land grabs); but, unhappily, recent research proves beyond dispute that the whole rising had been inspired from New Orleans *in accordance with instructions from Washington*<sup>1</sup> — a precedent followed more openly once since by a more strenuous administration in its desire for foreign territory.

As settlement poured into the Mississippi Territory, West Florida certainly became worth far more to us than it was to Spain. It lay, a narrow strip, between us and our natural coast line. It held the mouths of our rivers and the harbors of our commerce, while to Spain it meant nothing except the chance to limit our power. If the two countries had been individuals, Spain would have been morally bound to sell at a fair price; but any court would have defended her title, if, immorally, she insisted upon annoying her neighbor by keeping possession. Between two nations, as matters went in that immoral day, it was inevitable that we should get the district, — if not by fair bargaining, then by open force. The unfortunate thing is that the actual procedure was such a needless and inextricable mixture of violence and deceit.

The Texas question also first saw the light in connection with the Louisiana Purchase. The boundary between Louisiana and Mexico had never been defined. Napoleon's instructions to Laussat placed the dividing line at the Rio Grande. If that was correct, we had bought Texas. But Spain protested that the proper boundary was the Sabine. The question was complicated; we cared little about it at the time; the territory was a wilderness, without White inhabitants ex-

Origin of  
the Texas  
question

<sup>1</sup> *American Historical Association Reports for 1911.*

cept at a few Spanish missions; and in 1819 we surrendered all claim to Texas as part of the price we paid for East Florida, which we were then buying from Spain.

### III. WESTERN EXPLORATION

Jefferson had long manifested a scientific interest in "delineating the arteries of the continent." In 1783 he had urged George Rogers Clark

Jefferson's  
zeal for  
exploration

to explore the West  
to the Pacific; and  
three years later,

while in France, he had persuaded Ledyard, an American traveler, to attempt to reach the Pacific coast of America by way of Siberia and the ocean. There must be a great river, he argued, flowing from the western mountains into the Pacific, rising near the head waters of the Missouri. The explorer could ascend this stream and descend the Missouri to St. Louis.

Ledyard was turned back by suspicious Russian officials. But in 1792 Captain Gray of Boston, in his ship *Columbia*, discovered the mouth of the prophesied river, and named it for his vessel. This was our first basis for future claim to the Oregon country. As

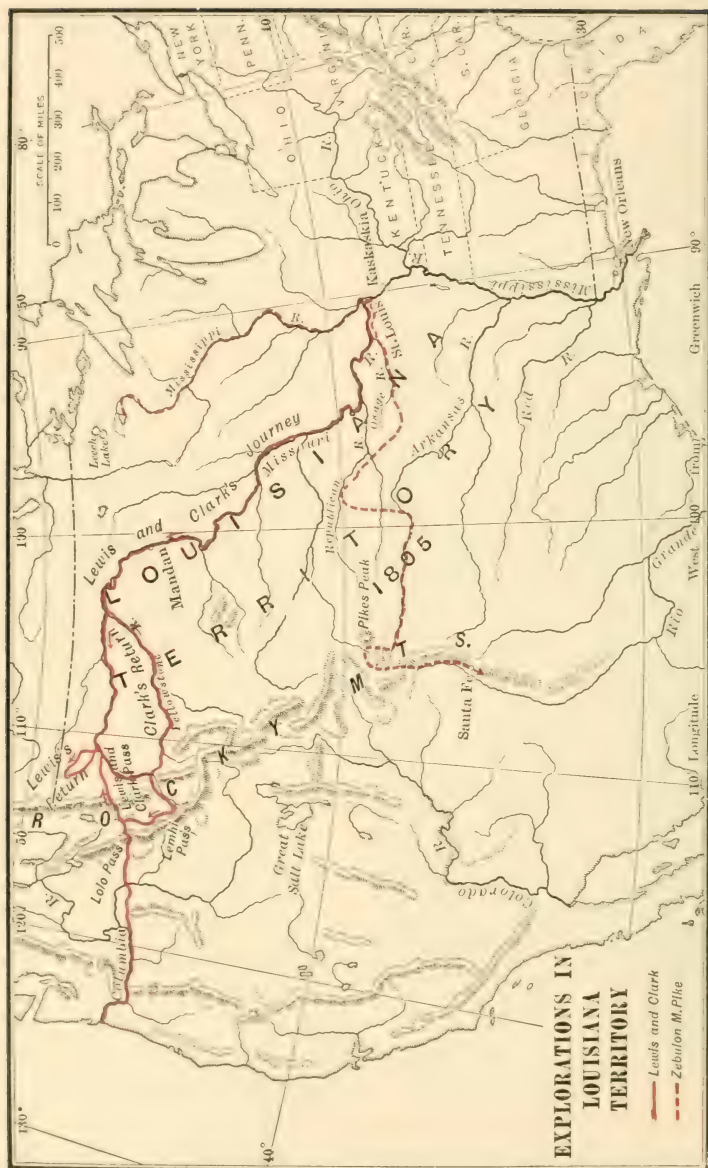
soon as Jefferson became President, he secured from Congress an appropriation for an exploring expedition to that



MERIWETHER LEWIS. From Winsor's *Narrative and Critical History*, after a contemporary drawing among the possessions of Captain Clark, Lewis' companion. This is the only known likeness of the explorer.







country, to be led by Meriwether Lewis (Jefferson's private secretary) and Captain William Clark (a brother of George Rogers Clark). Before the expedition was ready, the purchase of Louisiana made much of the territory to be explored our own, and gave us possessions contiguous to the unoccupied and almost unclaimed Oregon district.

Lewis and Clark set out from St. Louis with thirty-five men, in the spring of 1804. Sixteen hundred miles up the Missouri, near the modern Bismarck, they wintered among the Mandan Indians. The next spring, guided by the "Bird Woman" with her papoose on her back, they continued up the river to the water shed, and followed streams down the western slope until they found a mighty river. When they reached its mouth in November, four thousand miles from St. Louis, this river proved to be Captain Gray's Columbia. This exploration was the *second basis for American claim to Oregon*; and the scientific observations, maps, and journals of the expedition revealed a vast region never before known to White men.

In 1811 Astoria was founded on the south bank of the Columbia, by John Jacob Astor, as a station for the fur trade. This *occupation* by American citizens made a *third basis for a claim to the country*.

Unhappily, when the United States sought to establish its claim, a few years later (p. 406), the government tried to strengthen its case by holding that Oregon was part of the Louisiana Purchase. There was really no ground whatever for arguing that "Louisiana" ever extended beyond the Rocky Mountains; but the government maps kept up the pretense until 1901.



## CHAPTER XXI

### THE WAR OF 1812

THE foreign relations of the United States from 1806 to 1812 were disgraceful. After brief truce, the European war began again in 1803, and the commercial clauses of the Jay treaty expired soon after. Foreign relations, 1806-1812 Napoleon was soon master of the continent, with all the coast line from Italy to Denmark. His sole antagonist, England, ruled supreme on the sea. The only neutral power with any shipping interests was the United States. That shipping fattened on its monopoly; but each of the mighty combatants strove to force it into an ally, and to prevent its aiding his foe. English "Order in Council" followed French "Decree"; and whatever American shipping the one did not declare subject to capture, the other did. Meantime, our own government lacked decision to take sides, or power to defend its citizens.

The story is not a pleasant one. It is a tale of outrageous robbery by both European powers, and of American vacillation and disgrace. Jefferson and Madison, great in peace, were not suited for emergencies of this kind. Well-meaning, gentle, trustful, not particularly decisive, they were buffeted pitifully back and forth between the arrogance and indifference of English Pitt and Canning, and the duplicity and insolent greed of French Napoleon and Talleyrand.

If war is ever justifiable for any provocation short of armed invasion, we had abundant cause to fight both countries or either, at any time between 1806 and 1810. Our government shilly-shallied, in impotent indecision, until the energetic part of the nation rose wrathfully to demand that we fight some one at once to win back self-respect. Then we chose the wrong time and, apparently, the wrong

foe. Unfortunately, too, our choice of a foe arrayed us on the side of the European despot against the only hope for European freedom. The rise of Napoleon had reversed the position of England and France, as compared with that of 1793. Says Professor Hart (*Foundations of American Foreign Policy*, 27): "The United States waited till the European system . . . was on the point of falling to pieces of its own weight, and then made war on the power which, on the whole, had done us the least harm." To the same effect Professor Channing says (*Jeffersonian System*, 200):

" . . . The intention of the English government seems to have been to treat the neutral fairly, to give him ample warning, and to mitigate his losses by permitting him to seek another destination for his cargo. The French administration of the decrees was peculiarly harsh and unjust. . . . In short the French seemed to have acted with the least consideration for the rights of neutrals; but the English confiscated so many more neutral vessels, owing to the activity and strength of their cruisers and privateers, that the greater hostility was aroused against the British."

To complicate the picture further, that section of the country immediately interested — the section whose ships were being confiscated and sailors impressed — did not want war at any time, certainly not with England, and talked freely of preferring secession from the Union. In 1790, before the wars of the French Revolution began, 550 English merchant ships entered American harbors. In 1799, when the first series of wars closed, the number had sunk to 100. Meantime, New England shipping had increased five-fold. During the second series of wars, — until America itself became engaged, — American shipping continued to absorb the former English carrying trade with the world. Between 1803 and 1812, England seized a thousand American merchantmen, — many of them very properly, for violations of recognized principles of international law; and France captured more than half that number, — the greater

Growth of  
New Eng-  
land com-  
merce.  
1793-1810

part treacherously, after inviting them into continental harbors by special proclamation. But New England was willing to submit to all this, and to the impressment of her seamen, rather than lose her golden harvest of the seas.

Jefferson's second administration spent its chief energy in trying to maintain a policy of commercial non-intercourse with the warring powers, in order to compel them to respect our neutral rights. In 1807, to make the policy effective, Congress decreed an embargo upon all American shipping bound for foreign ports — and no time limit was specified in the law. This was not a measure preparatory to war: it was war in commercial form.

The embargo caused great distress among workingmen and commercial classes in England, but those classes then had no voice in the English government. The landed aristocracy, which did control the government, in death grapple with Napoleon, hardened its heart to the suffering of other Englishmen as an inevitable incident of the great war, and stubbornly refused to make concessions to America. Meanwhile, the embargo caused hardly less distress at home; and the outcry from sailors out of work, from shippers whose vessels lay idle, and from farmers whose produce rotted unsold, could not long be ignored by Congress. In New England, juries refused to convict on the plainest evidence, for violation of the embargo, and public opinion made it impossible to enforce the law. In the closing days of Jefferson's presidency it was repealed, as a failure. Its chief result had been a revival of the Federalist party in New England.

Jefferson had wished his lieutenant, Madison, to succeed him, and in 1808 Madison was elected by a vote of three to one. Backed by the "Old Republicans," he tried still to preserve peace by slight modifications of Jefferson's peace policy. But by 1810 real control had passed to a new generation of statesmen, younger and more aggressive, led by Henry Clay of Kentucky and John C. Calhoun of South Carolina. These

The embargo of 1807

The election of Madison in 1808



"Young Republicans," or "War Hawks," finally brought Madison to their side. It was charged that Madison yielded to secure necessary War Hawk support for his re-  
election in 1812. Dislike for the war had strength-  
ened the Federalists, but Madison won by 128 votes (from South and West) to 89. And in 1812

The choice of a foe was easily foreseen. So far as interference with our commerce was concerned, Napoleon *promised* to repeal his "decrees" — though he did not, and did not mean to — while England refused to  
withdraw her "orders" until France should actually perform the promise. But against England a large part of America was in a state of chronic irritation for other reasons. In the far Northwest, the great British and American fur companies were fierce and ruthless rivals for territory and for control over Indian tribes. Rumors of bloody clashes and treacherous massacres among distant snows stirred every frontier community that sent forth its trappers into the wilderness, and the Western settlements believed, mistakenly but with savage earnestness, that every Indian disturbance was fomented by British agents. The West, accordingly, joined hands with the monied fur-trade interests in bringing pressure upon Congress. And in June of 1812 the United States declared war upon England. Our choice of a foe

For three generations Americans held a tradition that we fought the War of 1812 in defense of "sailors' rights" against impressment. This is not a fair statement. Even after war was determined upon, during the last of  
1811 and the first half of 1812, neither the government nor newspapers mentioned impressments as a cause. Madison's message to Congress recommending a declaration of war named impressments first among our provocations; but *never before* had our government intimated to England that she must give up this practice or fight. Says Henry Adams: "When this grievance was finally taken up, it was an after-thought, when the original cause failed to unite and arouse the people. If England had yielded to our commercial demands, nothing would then have been said of impress- The causes of war

ments. . . . This worst of American grievances took its proper place as a political maneuver."

Curiously enough, just before our declaration of war, too close for the fact to become known in America, England did repeal absolutely all her objectionable "orders" against our commerce. An Atlantic cable would have made impossible this blundering into war.

The War Hawks expected to end the war in one glorious campaign of conquest. Said Clay, "I am not for stopping at Quebec, but I would take the whole continent." But the country, as a whole, showed amazing indifference; and New England, in particular, persisted in looking upon the struggle as "Mr. Madison's war." A rich nation of eight million people could have put 300,000 men into the field (at the ratio of Northern effort in 1865); but at no time (not even when our territory was invaded) did we have one tenth that force for effective service, and, most of the time, the numbers were a half smaller still, — spite of bounties and other lavish inducements.

Even more discouraging were the finances. The government imposed an excise and a stamp duty (hateful to Republican principles) and direct taxes; but the States were delinquent in payment. When the government tried to borrow, its bonds had to be sold at ruinous discount. During the three years, the debt mounted frightfully; and, toward the close, the treasury was practically bankrupt. In a few weeks more, this condition alone would have compelled the United States to sue for peace.

In the first campaigns, the militia distrusted its incapable officers and behaved badly on several occasions. In 1814, just as England, freed from the pressure of European war, prepared to push matters in America, more efficient American officers came to the front, and we regained our northern frontier in two or three creditable engagements, like the Battle of the Thames (October, 1813) and Lundy's Lane (July, 1814), and Perry's notable victory

Indifference  
to "Mr.  
Madison's  
war"

The cam-  
paigns

on Lake Erie. Then, in 1815, after peace had been signed, but before the fact was known in America, Andrew Jackson, with four thousand Western riflemen (deadly marksmen all), lying behind cotton bales at New Orleans, beat off, with horrible slaughter, a stubborn attack of five thousand gallant but poorly handled English veterans from Wellington's army in Spain that had victoriously withstood Napoleon's best soldiers.

On sea, America did win renown. True, no injury to England's power was inflicted. England had a thousand warships, two hundred of them larger than any one of our seventeen vessels; and, before the end of the war, every American warship was sunk or blocked up in harbor. But, meantime, in numerous *ship duels* between well-matched antagonists, the Americans had amazed the world by a series of remarkable victories, and won even from Englishmen the reluctant admission that, ship for ship and gun for gun, we outsailed and outfought them on their chosen element. England lost only thirteen ships; but her mortification was wholesome, and there was less talk thereafter of Americans as "degenerate" Englishmen. The American victories "had little to do with England's power, but much to do with her manners." Moreover, a really serious injury to England's remaining merchant marine was inflicted by the multitudes of American privateers, which snapped up ships even in sight of the English coast. Shipping insurance in England rose to double the point ever reached before in all her wars.

One disgraceful episode of the war calls for mention. In 1813 an American raid burned Toronto (then York), the capital of Lower Canada. A British force off our eastern coast retaliated by a raid against our Capital. Five thousand troops marched triumphantly through fifty miles of well-populated country, drove a large body of militia before them in shameful rout, and laid the public buildings of Washington in ashes.

A few days later, an attack upon Baltimore was repulsed by the militia. This was the occasion for the poem, "The



Star-spangled Banner," by Francis Scott Key, a prisoner at the time on a British vessel in view of the attack.

In the negotiations for peace, the American representatives (Gallatin, John Quincy Adams, and Henry Clay) were as superior to their English antagonists as the English army had at any time been to the American. In this field the Americans won a creditable victory. *The Peace of Ghent* (December 14, 1814) restored our old boundaries. It left all other questions unsettled; but the return of peace in Europe had removed the occasion of trouble.

The most serious peril from the war had been not in England's power but in New England's attitude toward the Federal union. During the whole period from the accession of Jefferson to the Peace of Ghent there had been breathings of nullification or secession in that section, and at three times, in particular, such threats had seemed to have large popular support.

1. In 1803-1804 the *leaders* of New England Federalism had been angered and alarmed by the Louisiana Purchase (which, they thought, meant an increase in the political power of the South), and the "Essex Junto"<sup>1</sup> sought refuge in plots for secession. Pickering, formerly Washington's Secretary of War, wrote, after expressing fear of Jefferson (page 334):—

"How long we shall enjoy even this security, God only knows; and must we with folded hands wait the result, or timely think of other protection. . . . *The principles of our Revolution* point to the remedy, — *a separation*. That this can be accomplished, and without spilling one drop of blood, I have little doubt" (Letter to Cabot, January 29, 1804). And again: "If a separation should be deemed proper, the five New England States, New York, and New Jersey would naturally be united. . . . I do not know one reflecting New Englander who is not anxious for the *Great Event* at which I have glanced" (Letter to King, March 4, 1804).

<sup>1</sup> Most of these leaders lived in Essex County, near Boston.

John Quincy Adams broke with the Federalists at this time, and some years later he declared in much detail his knowledge of this plot, of which he strongly disapproved. "The plan was so far matured," says Adams, "that it had been proposed to an individual to allow himself, when the time was ripe, to be placed at the head of the military movements." This "individual" was Hamilton, whom the Junto counted on also to bring New York into the treasonable confederacy. But Hamilton frowned on the project, and the leaders found little support at this time in their own State. Thus this "first Federalist plot" never got beyond private letters and closet conferences.

Hamilton wrote with contempt of the Constitution, — "Contrary to all my expectations, I am still trying to prop *that frail and worthless fabric*"; and he agreed that the "disease of democracy" was serious enough; but he did not believe that disunion would afford a remedy. He seems rather to have looked forward to a *general* convulsion, when a strong aristocratic government might be set up as a result of war. There is reason to think that he accepted Burr's challenge, soon after, to the duel in which he lost his life, only because he felt that a refusal would disqualify him for high military command in the struggle he expected.

2. The embargo of 1807 prepared the mass of New England people for desperate measures; and the years 1808–1809 saw a *popular* movement for nullification. December 27, 1808, a Bath town-meeting called on the General Court of Massachusetts "to take immediate steps for relieving the people, either by themselves alone or in concert with the other commercial States." The meeting then appointed a "*committee of safety . . . to correspond . . . and give immediate alarm, so that a regular meeting may be called whenever any infringement of their [Bath's] rights shall be committed by any person or persons under color and pretence of authority derived from any officer of the United States.*" Other towns took similar action, and the move-

New Eng-  
land's re-  
sistance to  
the Em-  
bargo of  
1807

ment spread to State governments. Governor Trumbull of Connecticut declared the Embargo Act “*unconstitutional, . . . interfering with the State sovereignties, and subversive to the rights . . . of citizens.*” He refused the request of Secretary of War that he appoint officers to enforce the “Nullification Act in his State; and in his address to the Connecticut legislature (February 23, 1809) he placed himself on the precise ground of the Kentucky Resolutions of '99: —

“Whenever our national legislature is led to overleap the prescribed bounds of their constitutional powers, on the State legislatures, in great emergencies, devolves the arduous task, — it is their right, it becomes their duty, — *to interpose their protecting shield* between the rights and liberties of the people and the assumed power of the General government.”

The legislature of Massachusetts, acting on this principle, prescribed fine and imprisonment for officers of the Union who should try to enforce the law in that State. Open conflict was avoided, and this second series of plots was closed, only when the Federal government surrendered and repealed the Embargo.

3. The third distinct period of New England opposition ran through the three years of foreign war. For 1812–1813, a few details must suffice. (1) *By unlawful and treasonable, but highly profitable, trade*, New England merchants and farmers fed the British army in Canada. At one time the British commander there wrote to his home government, — “Two thirds of the army are at this moment eating beef provided by American contractors.” (2) *New England Representatives in Congress, with the full approval of their constituents, used every effort to defeat the bills to fill up the ranks* of the depleted army. When a bill was under consideration to permit minors over eighteen to enlist, Quincy of Massachusetts exclaimed: — “It must never be forgotten . . . that *these United States form a political association of independent sovereignties.* . . . Pass this bill, and if the legislatures

New Eng-  
land and  
the war



of the injured States do not come down on your recruiting officers with the old laws against kidnapping and man stealing, they are false to themselves . . . and their country." (3) *The militia refused to obey the call of the President.* In 1812 Madison, as authorized by Congress, called on the State governors to order out the militia to repel *expected* invasion of their own coasts. The governor of Massachusetts declared that neither invasion nor insurrection existed (Constitution, Art. I, sec. 8); and the Supreme Court of the State assured him that it belonged to him, rather than to President and Congress, to decide whether the summons was constitutional. Vermont then recalled her militia from service.

In the closing year of the war, matters grew still more serious. The defeat of Napoleon had freed England's hands for more vigorous action against America, and this condition encouraged New England Federalists to enter on a definite movement for secession. The first step was to have town meetings petition the Massachusetts General Court *to secure a separate peace for that State.* As early as June 29, 1812, a Gloucester meeting voted: "If a destruction of our commerce and fisheries are the terms on which a *confederation of the States* (!) is to be supported, the Union will be to us a thread, and the sooner it is severed, the better. . . . We view the salvation of our country as placed in the hands of the *commercial* States, and *to them* we pledge our lives, our fortunes, and everything we hold dear in time." In January, 1813, an Essex county address to the Massachusetts legislature ran: "We remember the resistance of our fathers to oppressions which dwindle into insignificance compared to those we are called on to endure [at the hands of the United States government, this means] . . . and we pledge *to you* . . . our lives and property in support of whatever measure the dignities and liberties of this *free, sovereign, and independent State* may seem to your wisdom to demand." A typical address from Amherst in January of 1814 (Noah Webster presiding) pledged to the

Sedition  
in New  
England  
in 1814

Massachusetts legislature the support of the town in any measures the legislature should see fit to adopt to restore peace, "*either alone or in conjunction with neighboring States.*"

The legislature referred such addresses to a special committee. *This committee advised a convention of the New England States.* The legislature, however, put the matter over to the next General Court, which would "come from the people still more fully possessed of their views and wishes." The new legislature resulting from this "referendum" *called the Hartford Convention* and appointed delegates. Connecticut and Rhode Island joined the movement, and New Hampshire and Vermont were represented at the meeting in irregular fashion, by delegates chosen in county meetings.

Extreme Federalist leaders made no secret of their hope that the Convention would form a new confederacy of northern States. Gouverneur Morris wrote exultantly to a member of Congress:—"I care nothing more for *your* actings and doings. Your decrees of conscriptions and your levy of contributions are alike indifferent to one whose eyes are fixed on *a star in the East*, which he believes to be the dayspring of freedom and glory. The 'traitors and madmen' assembled at Hartford will, I believe, *if not too tame and timid*, be hailed hereafter as the patriots and sages of their day." Pickering, with equal delight, wrote, "I do not expect to see a single representative from the Eastern States in the next Congress"; and *he advised the Massachusetts government to seize the Federal custom-houses and revenues within her borders at once, and prepare for her own defense against either England or the United States.* The *Boston Centinel* (September 12) announced that the old Union was practically dissolved; and, November 9, with plain reference to the *Boston Chronicle's* famous illustration of 1788 [page 297], it announced that the second and the third "pillars of a new Federal Edifice" had been reared,—alluding to the fact that Connecticut and Rhode Island had followed Massachusetts in choosing delegates to the Hartford Convention. January 15, 1815, the *Boston Gazette*

## SECOND PILLAR

Of a new FEDERAL EDIFICE reared.

## LEGISLATURE OF CONNECTICUT

HARTFORD, NOV. 7. The joint Committee of the Legislature of this State to whom was referred the communication from the Governor of Massachusetts, have reported at much length and with great ability on the subjects connected with the objects of their mission. In conclusion the Committee say,

"In what manner the multifarious evils which we feel and fear, are to be remedied, is a question of the highest moment, and deserves the greatest consideration. The documents transmitted by His Excellency the Governor of Massachusetts, present, in the opinion of the Committee, an eligible method of combining the wisdom of New-England, in devising, on full consultation, a proper course to be adopted, consistent with our obligations to the United States."

They therefore recommend, that Seven Delegates from this State be appointed to meet the Delegates from the Commonwealth of Massachusetts, and of any other of the New-England States, at Hartford on the 15th December, to confer with them on the subjects proposed by a Resolution of said Commonwealth, and upon any other subjects which may come before them, for the purpose of devising and recommending such measures for the safety and welfare of those States, as may consist with our obligations as members of the national Union. This report has been adopted in both Houses, and the following persons have been appointed Delegates:—

His Honor CHAUNCEY GOODRICH.

MR. JAMES HILLHOUSE,

Hon. JOHN TREADWELL,  
U. S. SENATOR FROM CALIFORNIA.

Hon. ZEPHANIAH SWIFT,  
Hon. NATHANIEL COMPTON.

Hon. NATIONALIST SMITH,  
H. CALVIN COCHRAN.

THE CALVIN GODDARD,  
THE ROGER M. SHERRMAN

ROGER M. SHULMAN

THIRD PILLAR RAISED.

## LEGISLATURE OF RHODE-ISLAND

proceedings, May 3. On Tuesday the Legislature of this State convened in this town. His Excellency Governor Jones the same day sent them a message, containing an able, independent and intelligent development of the situation of the National and State affairs, and recommended to them the important resolutions and Communications of the Governor and Legislature of Massachusetts, on the subject

*Centinel Nautical Memoranda.*

PROJECT OF LOGS-112

Monday, May 7, at New Hope, from 7 to 10 a. m. Left there on Sunday last, and worked in the first of the English slams which had been captured from the Germans, from whence she had received a letter to the right, while the British were making a dash for the place. The Haps saw the American flag, and as she came between Berlin and Germany's fate, Monday morning, was a very important one. She saw the Haps's flag, standing in the street, and the lanterns. When the Haps left, the slams, or lanterns were flying to the right, and all the rest of the day.

[illegible]

Capt. Sawyer, from Portland, was a small English privateer, with two galleons on board, and a small armed Harrier, Plover, (Capt. Ainslie), a Sloop, a Frigate, a bark, and two ships standing in from the E. The privateer immediately got under way, and gave chase to them, but losing ground, she bore away to the open sea, and

Byg Rachel, Postopon, from Portland, Me., and  
ington, N. C. were left, was married on the 28th  
met by the Mr. Abraham Hayes, and arrived at  
Liverpool, N. S. She said that P. had several friends,  
and belonged to Warrington. The case was  
heard at Sandy Bay on Friday evening, in the fore-  
noon boat Traveller.

*Proceedings of the Nineteenth Century Club*[illegible]

PHOTOGRAPH OF PARTS OF TWO COLUMNS OF THE *Boston Centinel* FOR NOVEMBER 9, 1814. The second column shows the New England pride in the achievements of the New England privateers in marked contrast with the ill-veiled delight at the reverses of the American land army elsewhere shown in the same paper.

advised Madison to get a faster horse than he had when he fled from Washington before the British raid, — "*or the swift vengeance of New England will overtake the wretched miscreant in his flight.*"



The Hartford Convention met December 15, 1814, and remained in session one month. It *talked* State sovereignty and nullification. It blustered and threatened. As an ultimatum, it demanded amendments to the Constitution (which would have rendered the government impotent in a crisis) and the immediate surrender to the States of control over their own troops and taxes (which would have been a virtual dissolution of the Union). All its words and acts pointed to secession; *but it did not take up the matter of actual separation*. Instead, it provided for a new convention, to be held a little later, and adjourned to give time for the New England States to negotiate further with the government at Washington.

Then the unexpected announcement of peace brought the whole movement to an ignominious collapse. The new  
**And the** spirit of nationalism, which at once swept over the  
**Peace** country, buried the Federalist party and drove the old New England leaders from public life. The rest of their years they spent in explaining to an indifferent world that they had not meant anything anyway. The peculiar meanness of their disunion movement lay in the fact that it was a stab in the back to the Nation already engaged in desperate foreign war.

## PART VII—A NEW AMERICANISM, 1815-1830

### CHAPTER XXII

#### A THIRD "WEST"

*The war* originated in blunder. It cost two hundred millions of dollars and thirty thousand lives — besides the incalculable waste and agony that go with war. It was conducted discredibly. And it was ended without mention of the questions that caused it. Still it *did give a new impulse to Nationalism and to Americanism.*

New im-  
pulses to  
Nationalism

For a while there had seemed serious danger that American frontiers might be curtailed. All the more buoyantly the spirits of the people rebounded into extravagant self-confidence at the boast, — "Not an inch of territory ceded or lost." The popular imagination forgot shames and failures, and found material for self-glorification even in the campaigns. Once more we had "whipped England." In the years that followed, this exuberant Americanism was to be a mighty factor in the eager occupation of wild territory; in attempts to extend that territory; and in warning Europe to keep hands off this hemisphere. The years just after the war saw the "West" made over and greatly extended. (1) War-wearied Europe poured emigrants upon our shores as never before, and our own people sought eagerly a refuge in the farm lands of the West and "Lower South" from the demoralized industries of the older sections. (2) These *new homeseekers* found *homes* readily, because the war extinguished Indian title to vast tracts never before open to settlement, and because the government now adopted a land policy more liberal even than that of 1800. And (3) there appeared *new facilities for*

*transporting* the new home seekers to the land of new homes — in an advance in steam navigation and in a new era of road building.

1. *Immigration* from Europe had been fairly uniform from the Revolution to the War of 1812, — some *four or five thousand a year*. In 1817 the number of immigrants rose at a bound to 22,000; and the fifteen years, 1816–1830, brought us a half-million,<sup>1</sup> — mainly from Ireland, England, and Germany. Most of these newcomers found their way at once to new lands in the West.

*This westward stream was tremendously augmented by the general demoralization of industry in the Atlantic districts.*

**Home-seekers from the demoralized East** Return of peace in Europe put an end to New England's monopoly of the world's carrying trade. At the same time the new manufactures, which had been built up while the war shut out English goods, were exposed to ruinous foreign competition. In the South, the great planters had been declining in wealth for a generation; and the six years of embargo and war, with no market for tobacco or cotton, had hastened their ruin.<sup>2</sup> "Bad times" always turn attention to Western farms; and whole populations in seaboard districts were seized now with "the Ohio fever." "Old America seems to be breaking up and moving westward," wrote Morris Birkbeck in 1817, while journeying on the National Road. "We are seldom out of sight, as we travel this grand track toward the Ohio, of family groups behind or before us."

2. *The Indian campaigns*, in the long run, *proved the most important part of the War of 1812*. Just before war with England began, *Tecumthe*, a notable organizer and patriot, united all the tribes of the West into a formidable confederacy to resist White advance. General

<sup>1</sup> The next sixteen years brought twice as many; and then the Irish famine sent us a million from Ireland alone in four years.

<sup>2</sup> Jefferson and Monroe were almost in a state of poverty before their death, and Madison's fortune was seriously reduced. Jefferson's home, Monticello, with 200 acres of land, sold for \$2500, in 1829.



Harrison attacked and defeated Tecumthe's forces at *Tippecanoe*, a tributary of the Wabash River (November, 1811), while that chieftain was absent among the Southern Indians. In 1812 the struggle merged in the larger war. The Battle of the Thames takes its chief importance from the death there of Tecumthe; and the Battle of Horseshoe Bend (in the winter of 1814), where Andrew Jackson crushed the Southern Indians, meant far more for American development than the victory at New Orleans. When conflict was over, treaties with the conquered Indians opened to White settlement much of Georgia, most of Alabama and Mississippi, all of Missouri, and half of Indiana, Illinois, and Michigan.

The credit system of land sales (page 367) had not worked well. Optimistic pioneers had bought large amounts of land with all their ready cash, and had then found themselves unable to make the later payments. In 1820 Congress abolished the plan, but began to offer *80-acre lots at \$1.25 an acre*. One hundred dollars would now secure full title to a farm. Settlers who had previously made some payments on the credit plan were given full title to as many acres as they had paid for at this new rate.

3. In 1811 the steamboat *Orleans* was launched on the *Ohio* at Pittsburg; and after the war, steam navigation quickly became the chief means of travel in the West. In 1818 *Walk-in-the-Water* was launched on Lake Erie. Two years later, *sixty steamers* Develop-  
ment of the  
steamboat *plied on the Ohio and Mississippi*, and others were finding their way up the muddy waters of the Missouri, between herds of grazing buffalo. It now took only five days to go from St. Louis to New Orleans, and two weeks to return. A steamboat could be built anywhere on the banks of a river, out of timber sawed on the spot. At first, engine and boilers had to be transported from the East; but soon they began to be manufactured at Pittsburg, whence they could be shipped by water. The woods on the banks supplied fuel. Some of these vessels were "floating palaces" for that day, — "fairy structures

of Oriental gorgeousness and splendor," exclaims one exultant Westerner, — "rushing down the Mississippi as on the wings of the wind, or plowing up between the forests and walking against the mighty current as things of life; bearing speculators, merchants, dandies, fine ladies . . . with pianos, novels, cards, dice, and flirting, and love making, and drinking; and, on the deck, three hundred fellows, perhaps, who have seen alligators and fear neither gunpowder nor whisky."

The flatboats and rafts still swarmed out upon the great rivers from every tributary, and made a somber contrast to this picture. A flatboat was manned by a crew of six to twelve men. A journey from Louisville to New Orleans



THE NATIONAL ROAD.

took six months. Many boats did not go so far. Whenever the cargo was sold out, the boat itself was broken up and sold for lumber; and the crew returned home by steamer — instead of on foot as in 1800. In 1830 a traveler on the Mississippi saw ten or twelve such boats at every village he passed. Flatboatmen, raftsmen, and the deckhands of the great steamers made, as Dr. Turner says, "a turbulent and reckless population, living on the country through which they passed, fighting and drinking in true 'half-horse, half-alligator' style."

Only twenty miles of the National Road (page 365) were completed at the close of the war; but in 1816 it received an appropriation of \$300,000, followed by others as fast as they could be used. By 1820, with a cost of a million and a half, it reached Wheeling, on the upper Ohio waters. Thence, at a total cost of nearly seven

The  
National  
Road

millions (carried by thirty-four appropriations from Congress), it was pushed on to Columbus, Indianapolis, and finally to Vandalia (then capital of Illinois).

From the lower waters of the Potomac almost to the Mississippi, crossing six States, this noble highway with its white milestones spanned the continent in a long band, bridging streams on magnificent stone arches, and cutting through lines of hills on easy grades. The eastern part was formed of crushed stone on a thoroughly prepared foundation; the western portion was more roughly macadamized. In 1856 (after railroads had superseded such means of transit in importance) Congress turned the road over to the various States in which it lay.

The cost of the road — even the early cost of that part *east* of Ohio — far exceeded the original “five per cent fund” from Ohio lands. The road was a true national undertaking, paid for by national revenues. The fiction of merely “advancing funds” was long kept up, however, to dodge constitutional objections; and the consent of each State through which the road passed was asked and obtained.

For a time it was expected that the government would build other great lines of communication. The military need for good roads had been felt keenly during the war — when at critical times it had been almost impossible to move troops or supplies. The West-  
The question of internal improvementserners, too, were clamoring for more national aid, and their votes in Congress were gaining weight. Moreover, at the peace (with the renewal of the import trade) the national revenues became abundant. In 1815 they rose at a bound from 11 to 47 millions of dollars. Madison's administration now abandoned the old Jeffersonian policy of keeping down the army and navy, and in 1816 raised its estimate of annual expenditure to 27 millions; but, even so, a large surplus was piling up in the treasury.

The Message to Congress in December, 1816, renewed Jefferson's suggestion for a Constitutional amendment to



permit the use of this surplus in a "comprehensive system of roads and canals . . . *such as will have the effect of drawing more closely together every part of our country*" and of increasing "the share of every part in the common stock of national prosperity." Congress ignored the suggestion for amendment, but provided funds for immediate use. The charter of the first National Bank had expired in 1811, and Republican opposition had prevented a renewal at that time. But, in 1816, the new Nationalism disregarded former scruples. An act for a new National Bank had been championed especially by Calhoun and Clay. It had received almost a unanimous vote, and had been approved by the President. One provision of the bill gave the government a "bonus" of \$1,500,000 (for the special privileges of the charter), besides certain shares in future dividends. Now Calhoun's "Bonus Bill" sought to pledge these funds to the construction of roads and canals. Calhoun urged his bill on broad grounds, finding sanction for it even in the "general welfare" clause.

"Let it never be forgotten," he exclaimed, "that [the extent of our republic] exposes us to the greatest of all calamities, next to the loss of liberty itself (and even to that, in its consequences), — disunion. We are greatly and rapidly — I was about to say, fearfully — growing. This is our pride and our danger; our weakness and our strength. . . . We are under the most imperious obligation to counteract every tendency to disunion. . . . If we permit a low, sordid, selfish sectional spirit to take possession of this House, this happy scene will vanish. We will divide; and, in consequence, will follow misery and despotism. Let us conquer space. . . . The mails and the press are the nerves of the body politic."

To the savage disappointment of the Young Republicans, Madison vetoed the bill in a message that returned to the Jeffersonian doctrine of strict construction. He expressed sympathy with the *purpose* of the act, but insisted that a Constitutional amendment must be secured. The next year, under President Monroe, Congress renewed its effort for national aid to roads. But

And  
national  
union

Calhoun's  
"Bonus  
Bill"

And  
Madison's  
veto

Monroe, in his inaugural and in his one veto, took Madison's ground. The enraged Congress retorted with bitter resolutions condemning the President's position, but it did not venture to challenge more vetoes or to make trial of the dubious process of Constitutional amendment.

For a time, therefore, the only routes from the seaboard to the West were the National Road and the Ohio — that river having been reached either by the National Road at Wheeling or by the Pennsylvania turn-The routes to the West pike from Philadelphia to Pittsburg. But soon two other routes were added.

(1) Planters abandoned the "worn-out" tobacco lands of Virginia and North Carolina for the "cotton belt," — a broad sweep of black alluvial soil running through South Carolina, Georgia, Alabama, and Mississippi, between the coast and the pine barrens of the foothills. To even the distant parts of this region they found access by land, through central Georgia, with their caravans of slaves and goods. Dr. Turner has pictured graphically the contrast between the migration into Northwest and Southwest: here, the pioneer farmer, bearing family and household goods in a canvas-covered wagon; there, the aristocratic, gloved planter, in family carriage, attended by servants, packs of hunting dogs, and train of slaves, their nightly campfires lighting up the wilderness. Thus the The Lower South Lower South came into being; and the new aristocracy of the black belt soon took to itself the leadership in Southern politics so long held by Virginia.

(2) Each year the Wilderness Road (now improved into a wagon track) bore a large immigration from Virginia into Kentucky. Part of this colonization passed on across the lower Ohio into southern Indiana and Illinois, or across the Mississippi into Missouri. Another part moved through Tennessee down the bank of the Mississippi to the cotton belt, to meet the stream of immigration there from the East.

This double movement through Kentucky (as Dr. Turner reminds us), with many other features of Western life, is

illustrated by the families of Abraham Lincoln and Jefferson Davis. The two boys were born near one another in Kentucky in 1809 and 1808. The Davis family soon moved on to Louisiana and then to Mississippi, had its part under Jackson in the War of 1812, and became typical planters of the black belt. In 1810 Thomas Lincoln, a rather shiftless carpenter, rafted his family across the Ohio, with his kit of tools and several hundred gallons of whisky, to settle in southern Indiana. For a year the family shelter was a "three-faced camp" (a shed of poles open on one side except for hanging skins or canvas); and for some years more the home was a one-room log cabin without floor or window. As in most houses of the kind, the floor, when it came, was made of logs split in halves and laid with backs down. When Abraham Lincoln was a raw-boned youth of six feet four, with blue shinbones showing between the tops of his socks and the bottom of his trousers, the family removed again, to Illinois. Abraham, now twenty-one, after clearing a piece of land for his father, set up for himself. He had had very few weeks of schooling; but he had been fond of practicing himself in speaking and writing clearly and forcefully, and he knew well five or six good books — the only books of any sort that had chanced in his way. After this date, he walked six miles and back one evening to borrow an English grammar, and was overjoyed at finding it. He was scrupulously honest and fair in all dealings, and intellectually honest with himself, — and champion wrestler among the neighborhood bullies. He made a flatboat voyage to New Orleans; clerked in a country store, where he was the best story-teller among the loose-mouthed loafers who gathered there; studied law, and went into politics, — finally to meet his childhood neighbor, Jefferson Davis, in new relations.

Shortly before 1830, a yet more important road was opened to the West. Thinkers had long seen the possibility of water communication between the Atlantic and the Lakes,



by way of the Hudson *and a canal* along the Mohawk valley. Gallatin's plan of 1808 included such a canal at national expense; and in 1816 and 1817 the Congressional plans for internal improvements, with this as one object, failed only because of Madison's and Monroe's unexpected vetoes. Since national aid had proved a delusion, De Witt Clinton, governor of New York, now persuaded the State to take up the work; and in 1825, after eight years of splendid effort, the Erie canal was completed, — 300 miles in length from Albany to Lake Erie.

De Witt Clinton had been jeered as a dreamer of dreams; and, in truth, the engineering difficulties for that day, and the cost for the State, meant more effort than does the Panama canal to the United States to-day. The ditch was forty feet wide. It had eighty-one locks, to overcome a grade of seven hundred feet. Before the end, the cost of seven millions appalled the most enthusiastic champions of the scheme; but cost and upkeep were more than met from the first by the tolls (half a million dollars the first year, and twice that annually before 1830), while the added prosperity to the State outran even Clinton's hope. Little Buffalo became the main station for the vast fur trade that previously had gone to Europe by way of the St. Lawrence. Farm produce in the western counties doubled in value; land trebled; freight from New York to Buffalo fell from \$120 to \$20 a ton, and in a few years, to \$6. In one year the 20 vessels on Lake Erie became 218. The forests of the western part of the State were converted into lumber, staves, and pearl-ash, and their place was taken by farms and sprawling villages. True, the lives of these pioneers were hard and narrow, and existence remained possible only by unceasing struggle, while the fruits of their strenuous toil went in large measure to enrich the East. New York City, the port for all the Lake district, doubled its population between 1820 and 1830, taking Philadelphia's place as the leading American city and securing more than half the total import trade of the United States.

Pennsylvania now found that her recent expense for good

roads by land counted for little against New York's water communication with the West, and in 1826 she began her own system of canals from the Susquehanna to Pittsburg, — with a 42-mile portage over the Alleghany ridge.

From the great highways, too, cheap but helpful "State roads" and private turnpikes began to radiate in other parts of the West. Ohio and Illinois lacked stone for road building, but they invented a "plank road" — long a favorite in those States. The trees along the "right of way" furnished heavy hewn planks, which were laid side by side on a prepared level surface of earth.

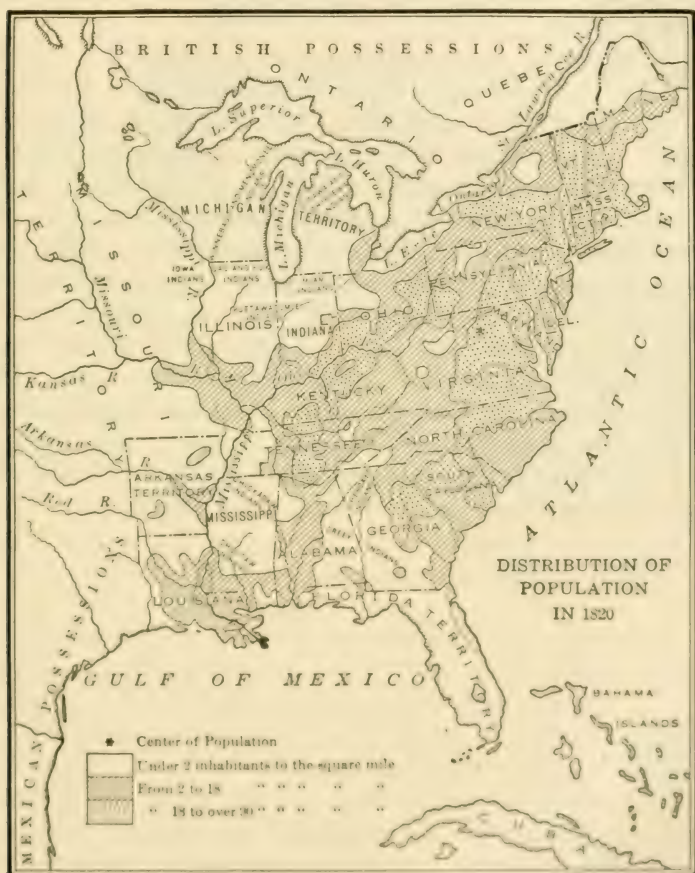
The success of the Erie and Pennsylvania canals overstimulated canal building. In particular, the *new* States entered upon an orgy of building far beyond their means. Between 1825 and 1840 nearly five thousand miles of costly canals were constructed in America, — of which four fifths were either needless or were replaced soon by the railroad.

The rapid growth of the "New West" through the period 1815–1830 had never had a parallel in history. Between the admission of Ohio and that of Louisiana there had been an interval of ten years (1802–1812). Now in six years six States came in: Indiana, in 1816; Mississippi, 1817; Illinois, 1818; Alabama, 1819; Maine, 1820; and Missouri, 1821. During the next decade the Western States grew at the rate of from a hundred to a hundred and fifty per cent, while Massachusetts and Virginia remained almost stationary. Ohio in 1830 had a million people, — more than Massachusetts and Connecticut together. The center of population in 1830 was 125 miles west of Baltimore; and the Mississippi valley contained more than three and a half millions of our total population of thirteen millions, while a million more, in the back districts of the older States, really belonged to this Western movement. *Since 1800, the West had grown from a tenth to a third of the nation.* New England's total population was only two million, and she had

Orgy of  
road build-  
ing in the  
West

Unparalleled  
growth

gained only half a million in the last decade (even including the growing "frontier" State of Maine), while the Mississippi valley States had gained a million and a half. Indiana in the decade from 1810 to 1820 grew from 24,000 to 147,000!



Throughout the period, Virginia held first place as mother State for the new commonwealths both north and south of the Ohio. Dr. Turner, whose *New West* is so often quoted in this chapter, has some interesting figures to show the preponderance of Southern im-

Virginia still  
the mother  
State



migration. Of the Illinois legislature in 1833, he tells us, 58 members were from the South, 19 from the Middle States, and only 4 from New England. As late as 1850, two thirds the population of Indiana was Southern in origin. Indeed, the "Hoosier" element was, originally, wholly from North Carolina.

New England was populating her own frontier counties in Maine, and also, in good measure, the western districts of

New  
England  
immigration  
later

New York and the Lake region of Ohio. Her sons did not begin to come in large numbers into the great central valley until the close of this period. So far as they did come, *they were from her western democratic farming communities*. They kept much of the old Puritan seriousness and moral earnestness, mingled with a radicalism like that of original Puritans of the Roger Williams type. They were reformers and "come-outers" in religion and politics and society. Temperance movements, Mormonism, Abolitionism, Bible societies, Spiritualism, Anti-masonry, schools and colleges, when such things came in the West, all found their chief support from this element of the population.

## CHAPTER XXIII

### FOREIGN RELATIONS, 1815-1830

FROM Waterloo to the Crimean War (1815-1854), Europe had no *general* war. This made it easier for the United States to withdraw from European entanglements; and, with one great exception (page 407), our foreign questions were concerned mainly with unsettled boundaries. The Treaty of 1783 had drawn our northern boundary from the Lake of the Woods "due west" to the Mississippi. But Pike's exploration<sup>1</sup> had made clear that the Mississippi rose almost "due south" of that lake. Moreover, the line between the Louisiana Province and the British Possessions had never been determined. The Treaty of Ghent referred the matter to inquiry by a mixed commission; and the "Convention of 1818" between England and the United States fixed the boundary at the 49th parallel from the Lake of the Woods to the "Stony Mountains."

A still more important "Convention" the preceding year (also provided for in the Treaty) had made a vast gain for humanity. The two nations agreed that neither should keep armed vessels (except revenue cutters) on the Great Lakes. This humane and sensible arrangement is the nearest approach to disarmament yet reached by international agreement. For the century since, in striking contrast to the constant threat of all European frontiers with their frowning fortresses crowded with hostile-minded soldiery, Canada and the

The  
Northern  
boundary

"Disarma-  
ment" on  
the Great  
Lakes

<sup>1</sup> In 1805 Jefferson had, for a second time, made part of the small army useful in the interest of scientific exploration: Lieutenant Zebulon Pike, with a small company, traced the Mississippi from St. Louis to its source, and afterward explored the headwaters of the Arkansas and Red rivers (map after page 378).

United States have smiled in constant friendliness across the peaceful waters that unite our lands.

*Oregon* at this time was an *indefinite* territory between Spanish California and Russian Alaska. No bounds had really been drawn for any one of these three regions. The American basis for claiming *Oregon* has been stated (page 379). Russia and Spain both claimed it because of their adjacent possessions. More serious were England's claims. Like all the claimants, England had territory adjacent to this "no man's land"; like the United States, she needed, through that land, an opening on the Pacific from her inland territory; and she had other titles corresponding closely to our own. To leave out of account the ancient discovery by Captain Cook, Vancouver had explored the coast in an English vessel in 1792, just *before* Gray sailed into the mouth of the Columbia. The year following, Alexander McKenzie, in the employ of the Hudson Bay Company, reached the region overland from Canada. Then during the War of 1812, Hudson Bay officers seized Astoria, and England now had possession.

But in the negotiations with England in 1818 John Quincy Adams (Monroe's Secretary of State) put forward emphatic claim to the whole *Oregon* district. The "Convention" postponed settlement of the question, leaving the territory open for ten years to occupation by both parties. Then, in the Florida treaty of 1819-1821, Adams secured from Spain a waiver of any claim she might have had north of the 42d parallel (map facing page 371). We looked upon this "quitclaim" from Spain as an acknowledgment that *Oregon* belonged to the United States.

Thus the matter rested. In 1828 the agreement with England for *joint occupation* was renewed, subject to a year's notice by either country. The debates in Congress showed that body rather indifferent to the matter. The predominant feeling was that we could never occupy so inaccessible and "barren" a region, and ought not to if we could. There were enthusiastic Westerners,

And Eastern  
indifference



however, whose robust faith foresaw (with the great Secretary of State) that in a few years Oregon would be nearer Washington than St. Louis had been a generation earlier, and that it was to make our indispensable gateway to the Western ocean and the lands of the Orient, — “the long-sought road to India.” Said Senator Benton of Missouri, in an impassioned oration, reproaching Eastern indifference, “It is time that Western men had some share in the destinies of this Republic.”

In 1821–1823 two foreign perils called forth from the Administration the proclamation of the new policy, America for Americans.

In 1821 the Tsar of Russia forbade citizens of other powers even to approach within a hundred miles of the Pacific coast, on the American side, north of the 51st parallel. Russia had no settlements within hundreds of miles of that line; and this proclamation was practically an attempt to reserve new American territory for future Russian colonization. Moreover it would have turned the Bering Sea, with its invaluable fisheries, into a Russian lake, absolutely closed to all other peoples. The idea was peculiarly abhorrent, both because of Russia's exclusive commercial policy (typified in the proclamation), and because the Tsar was the head of the despotic “Holy Alliance,” which at just this time was planning to extend its political system to South America and Mexico.

The Russian  
peril in the  
Northwest

And the  
“Holy  
Alliance”  
in the South

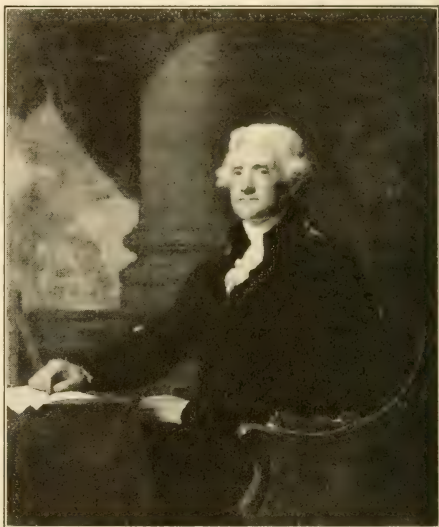
That plan was itself the second peril. In 1821 the United States recognized the independence of the revolted Spanish American States and appointed diplomatic agents to their governments. But the “crowned conspirators,” known as the Holy Alliance, having crushed an attempt at a republic in Spain itself, now planned to reduce the former American colonies of Spain to their old subjection.

England stood forth in determined opposition. Canning, the English Secretary for Foreign Affairs, made four separate friendly suggestions to our minister in England that the

two English-speaking powers join hands to forbid the project. President Monroe (and his unofficial advisers, Madison and Jefferson<sup>1</sup>) wished to accept this offer for allied action; but John Quincy Adams insisted strenuously that the United States must "not come in as a cockboat in the wake of the British man-of-war," and finally he carried the Cabinet and President with him in his plan for independent action.

Canning acted first, and, in his proud boast, "called the New World into existence, to redress the balance of the Old." His firm statement that England would resist the proposed attack upon the revolted American States put an abrupt close to the idea of European intervention. The declaration of policy in the United States came later, but it has had a greater permanent significance. In his message to Congress, December 2, 1823, Monroe adopted certain paragraphs on this matter, written by Adams. These paragraphs were the first announcement of the *Monroe Doctrine*: —

The Monroe Doctrine



THOMAS JEFFERSON in old age. From the portrait by Stuart, now at Bowdoin College. From 1809 to his death, Jefferson, in retirement at Monticello, remained a chief leader of national policies, constantly consulted by Madison and Monroe. He died July 4, 1826, the fiftieth anniversary of the adoption of his great Declaration, on the same day with his old friend and rival, John Adams, with whom in the closing years he carried on an interesting correspondence.

<sup>1</sup> Jefferson thought the matter "the most momentous since the Declaration of Independence." England's mighty weight — the only real peril to an independent American system — could now be brought to the side of freedom; and that fact would "emancipate the continent at a stroke."

[1] With special reference to Russia and Oregon,—"the American continents . . . are henceforth not to be considered as subjects for future colonization by any European powers." [2] With regard to the proposed "intervention" by the Holy Alliance,—"The political system of the allied powers is essentially different from that of America.<sup>1</sup> . . . We owe it . . . to those amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. . . . With the existing colonies . . . of any European power we . . . shall not interfere. But with the Governments . . . whose independence we have . . . acknowledged, we could not view any interposition, for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as a manifestation of an unfriendly disposition toward the United States."

In justification of this position, the message intimated also that we intended not to meddle with European affairs. We claimed primacy on this hemisphere; we would protect our weaker neighbors from European intrusion or molestation; but we would leave the Old World without interference from us.

The thought of the message was not novel. Part of it is found in Washington's utterances, and the best of it had been stated repeatedly by Jefferson. But the practical application, in 1823, gave it a new significance. From an "academic" question, it was suddenly lifted into a question of practical international politics.

The message was thoroughly effective at the moment. England hailed it as making absolutely secure her own policy of preventing European intervention in America; and the Tsar agreed to move north 250 miles, and to accept the line of 54° 40' for the southern boundary of Russian Alaska. And the "Monroe Doctrine" was not limited to that period. It had been announced merely as an expression of opinion by the President. No

<sup>1</sup> This statement regarding the despotic character of the powers united in the Holy Alliance has, of course, little logical bearing upon intervention in America to-day by any European country.



other branch of the government was asked even to express approval. But the cordial response of the nation, on this and all subsequent occasions, has made the Monroe Doctrine, in truth, the American Doctrine. The only real danger to its permanence is that we so act as to inspire our weaker American brethren with fear that we mean to use its high morality as a shield under cover of which we may ourselves plunder them at will. If it ever becomes probable that the sheep dog wards off the wolves that he himself may have a fuller meal, his function will not long endure.

## CHAPTER XXIV

### NATIONALISM AND REACTION

FROM 1807 to 1815 the embargo and the war shut out European goods. This afforded an artificial "protection" for home manufactures. We had to use up our own raw cotton, wool, and iron, or let them go unused; and we had to supply our own clothing, fabrics, tools, and machinery, or do without.

The war and  
new manu-  
factures

This new demand for building up home manufactures was met mainly in New England, where much capital and labor, formerly engaged in shipping, was temporarily unemployed. In 1807 New England cotton mills had only 8000 spindles in use (page 345); in 1809 the number was 80,000; and, by the close of the war, 500,000, employing 100,000 workers. Woolen and iron manufactures had not grown quite so rapidly; but they also were well under way. The total capital invested had risen to about a hundred million dollars. Two fifths of this was in the cotton industry.

When peace returned, it was plain that this manufacturing industry, developed by unnatural conditions, could not sustain itself against restored competition. We could let it die, and permit the capital and labor to find their way back into other industries; or we could now "protect" it from foreign competition by law. To do this, we would place high tariffs on foreign goods like those we manufactured.

If we adopted this policy of "protection," we should pay more for the articles than if we let them come in, untaxed, from the Old World, where their cost was lower. But, it was urged, we should have more diversified industries, larger city populations, and so more of a home market for our raw materials and for foodstuffs, — and, after a time,

when we should come to do the work efficiently, even cheaper manufactures, because of the absence of ocean freights.

The question of "protection" was not new. Earlier tariffs had been framed to carry "incidental protection" (page 308); and in a famous *Report on Manufactures* Hamilton had argued for a protective tariff. But all such plans had been for taxation in order to *create* manufactures. It was more effective to call upon Congress to *preserve* industries into which a national war had driven our citizens.

The demand  
for "eco-  
nomic inde-  
pendence"

Moreover, Calhoun and Clay urged that America must make itself independent, economically, of Europe. Such economic independence, they argued eloquently, was essential to real political independence. They took ground for America like that which led English statesmen in 1660 to favor the old Navigation Acts for the British Empire. The war had just given point to the plea. For the first time, too, the farmer began to call for protection. He had been raising flax and hemp, and had imported costly Merinoes to supply the woolen mills. Now that the textile mills had shut down, he had no market nearer than England.

John Randolph raised his voice in almost solitary protest in Congress, in behalf of the "consumer." With keen insight, he warned the agricultural masses that *they* were to pay the bills, and that, in the discussion of future rates, they would never be able to make their needs and opinions felt in Congress as could the small body of interested and influential capitalists:—

"Alert, vigilant, enterprising, active, the manufacturing interests are collected . . . ready to associate at a moment's notice for any purpose of general interest to their body. . . . Nay, they are always assembled. They are always on the Rialto; and Shylock and Antonio meet every day, as friends, and compare notes. And they possess, in trick and intelligence, what, in the goodness of God to them, the others can never have."

*The Tariff of 1816* was enacted by a two-thirds vote as an *avowed* protective measure. Revenue had become the inci-



dent. Imported cottons and woolens were taxed 25 per cent; and manufactured iron, slightly more. On *cheap* grades of cloth the rate was really much higher than 25 per cent, — disguised by a “*minimum-price*” clause. Tariff  
of 1816

That is, the bill provided that, *for purposes of taxation*, no cotton cloth should be valued at less than 25 cents a yard. If the cloth was really worth only 13 cents, the tariff was still  $6\frac{1}{2}$  cents, or, in reality, fifty per cent. This effective device for placing the chief tariff burden upon the poorest classes was much practiced in later tariffs.

These rates proved too low for their purpose. English warehouses were heavily overstocked with the accumulations of the years of European wars, during which the markets of the world had been closed to them; and now these goods were dumped upon America at sacrifice prices.

Moreover, *in 1819, came the first world-wide industrial depression*. Senator Thomas H. Benton describes the years 1819–1820 as “a period of gloom and agony. No money . . . no price for property or produce. No sales but those of the sheriff. No purchaser but the creditor or some hoarder of money. No employment for industry.” *Niles’ Register*, a paper representing the interests of capital, confessed in August, 1819, that 20,000 men were daily hunting work on the streets of Philadelphia, — more than half the adult male population of that day! The  
“panic”  
of 1819

The American causes for this depression of 1819 resembled those of later “crises.” The promise of the tariff itself had caused overinvestment in factories in the East; and in the West there had been reckless overinvestment in public lands by thousands of poor immigrants who were unduly allured by the “credit system” of purchase. A third cause, which intensified the evil, was the recent multiplication of “wild-cat” State banks (after the expiration of the first National Bank in 1811), which had loaned money in extravagant amounts, and so had encouraged all sorts of speculation. When at length these banks found themselves forced to call in their loans, or to close their doors, they spread panic and confusion throughout society.

The manufacturing interests, however, ascribed all the depression to insufficient "protection," and *the Tariff of 1824* found its leading champion in Clay, who now glorified the protective policy with the name, *the American System*. The chief opposition in debate came from Webster, who represented a commercial district in Massachusetts, and who took his stand upon absolute free-trade policy.<sup>1</sup> In general, New England was divided, wavering between manufactures and a return to its old shipping interests. The South had been almost solid for protection in 1816, but now it was solid in opposition, and it loudly denied the constitutionality of such laws. Slavery, it found, shut it out from the manufacturing industry, and its agricultural exports could not be sold to advantage unless the United States enjoyed a large and free commerce with other nations. The tariff threatened to shut off such trade, besides increasing the cost of manufactured articles.

The bill passed by bare majorities, through the union of the manufacturing Middle States and the agricultural West, which hoped to see a home market for its wool and hemp, — and which believed in "loose construction" because it wanted government aid for internal improvements. Tariff rates, on an average, rose to about 33 per cent; and, under this stimulus, the capital invested in manufactures trebled in three years.

Clamor continued, however, for still higher protection; and, four years later, Congress enacted the third great tariff of this period, — the "Tariff of Abominations." *This Tariff of 1828* was engineered largely by men who planned to make Jackson President. None of the other political leaders dared oppose it on the eve of a presidential campaign, but they did make it an atrocious hotch-potch by amendments, — in the vain hope that its authors themselves would refuse to swallow it. Said John Randolph, "This bill encourages manufactures of no sort but the manu-

<sup>1</sup> Webster followed the teachings of all "the Fathers," except Hamilton. The Revolution, in no small degree, was fought for the right to trade at will with the world. For a generation afterward, this fact gave a free-trade bias to our thought.

facture of a President." Webster now changed sides, frankly assigning as his reason that Massachusetts had accepted protection as a settled national policy and had invested her capital in manufactures. *New England and the South had exchanged positions on the tariff since 1816.* The law raised the average of duties on taxed articles to 49 per cent, — far the highest point touched until the "war-tariffs" of the sixties, — and gave rise to a new nullification movement.

*The feeling for nationality upheld the Supreme Court* in a remarkable series of decisions during this period. Perhaps the most famous case was that of *McCulloch v.*

*Maryland* in 1819. Maryland had imposed a ruinous tax on the Baltimore branch of the National Bank, to drive it from the State, and had brought suit in her own courts against McCulloch, an officer of the Bank, to collect the money. The Maryland court upheld the tax and denied the constitutionality of the Bank — since the power to charter a bank was not among the "enumerated powers." McCulloch applied to the Federal Supreme Court for a "writ of error." That court took jurisdiction and reversed the State court. The decision was written by John Marshall. Three points call for notice: —

The Supreme Court extends Federal authority

1. The title of the case would seem to imply a suit by an individual against a State — such as is forbidden to Federal Courts by the Eleventh amendment. But the State had *begun* the suit *originally*; and the Court held that in such a case an *appeal* by the individual was not forbidden by the amendment. This was the express point decided by Marshall in another great case, *Cohens v. Virginia*, in 1821. It restored to the Federal judiciary a large part of the power that the Eleventh amendment had been designed to take away.

2. Following the argument of Hamilton in 1791, Marshall affirmed that Congress had power to charter a bank under the "necessary and proper" clause of the Constitution. Those words, he said, meant merely "appropriate."



3. The State tax law was declared void because in conflict with this Federal *law*. Before this, State laws had been declared unconstitutional only when in conflict with the Federal Constitution itself.

Between 1819 and 1828, eleven of the twenty-four States had one or more laws declared void by the Federal courts. These decisions, however, did not go without vehement opposition. Political writers piled up pamphlets of scathing denunciation against them; and half the States protested or actually resisted some decree. Virginia sought strenuously to have Congress repeal the clause of the Judiciary Act that gave the Supreme Court its appellate power (page 306). Ohio, by force, took from a branch of the National Bank a State tax, despite the decision of the Supreme Court, and held it for six years. Georgia nullified a treaty made by the Federal government with the Southern Indians within her borders; the Supreme Court upheld the treaty; but Georgia threatened war if the government should try to enforce its rights, *and carried her point* (pages 468-469).

The opposition to the Federal judiciary came from the South and West, and was merely *one* indication of a *new*

**Summary:** sectionalism.

**Nationalism and sectionalism, 1800-1860** From 1800 to 1815, every suggestion of interference with commerce (New England's main economic interest) had called out threats of nullification or secession from that section. The pocketbook was stronger than New England's loyalty.

The war created a new Nationalism. From 1815 to 1820, this force seemed wholly triumphant. It expressed itself (1) in demands for internal improvements, to bind the parts of the Union together more closely; (2) in protective tariffs, to make the country independent of Europe economically; (3) in a new National Bank, to finance the government; and (4) in the victory of "Broad Construction" along various other lines, — especially in a wider Federal control over internal commerce, of which space permits no discussion.

But by 1820 this Nationalism had to contend with a reaction toward State sovereignty and sectionalism. From that time to the Civil War, political history is a struggle between the forces of Union and Disunion. This time it was the South that felt her pocketbook in danger. She threatened to nullify protective tariffs because she thought they hindered her agricultural prosperity, and every suggestion of Federal interference with slavery impelled her into disunion movements, because her leading industry rested on slave labor.

One of the first manifestations of this new sectionalism was the struggle that resulted in the *Missouri Compromise of 1820*. Until that time a careful balance had been maintained between slave and free States in admitting new commonwealths. Vermont offset Kentucky; Ohio, Tennessee. Louisiana (1812) made the number of free and slave States just equal. But *the free States grew much faster in population*, and by 1820 (even under the three-fifths rule) they had the larger number of Representatives in the lower House of Congress by a fourth.

The  
Missouri  
Compromise  
of 1820

Missouri had been settled mainly through Kentucky, with many slaveholders among its people. In 1819 a bill for its admission to the Union came before Congress. The proposed State lay north of the line of the Ohio, which, with Mason and Dixon's line, divided free and slave territory east of the Mississippi. The North roused itself to insist on maintaining that same line west of the river; and mass meetings and legislative resolutions protested against admission with slavery. The South protested quite as vehemently against any restriction upon the wishes and rights of the Missouri people. The House of Representatives, by a majority of one vote, added an amendment to the bill, prohibiting slavery in the proposed State. The Senate struck out this "Tallmadge amendment,"<sup>1</sup> and the bill failed for that session. No one yet denied the constitutional

<sup>1</sup> Introduced by James Tallmadge of New York.

power of Congress to forbid or regulate slavery in the *Territories*, but many Northerners, even, denied the right of Congress to impose restrictions upon a new *State* — so as to make it less “sovereign” than older States.

At the next session of Congress (1820), the Maine district of Massachusetts was also an applicant for admission as a new State. The House passed both bills, restoring the Tallmadge amendment for Missouri. The Senate put the two bills into one, and substituted for the Tallmadge prohibition of slavery the *Missouri Compromise*. Missouri was to be admitted, with permission to establish slavery, but no other slave State should be formed out of existing national domain north of the southern boundary of Missouri ( $36^{\circ} 30'$ ). The policy of the Northwest Ordinance was applied to the greater part of the Louisiana Purchase.

For the whole period 1816-1829, true political parties were lacking. The old Federalists had been galvanized into activity in New England by the Embargo and the war; but in 1816 they cast only 35 electoral votes, and in 1820 none. The old party lines were wholly gone. Accordingly, the period has sometimes been miscalled “the era of good feeling.” In fact, it was an era of exceeding bad feeling. The place of *parties*, with real principles, was taken by *factions*, moved only by personal or sectional ambitions.

This became plain in the campaign of 1824. Crawford of Georgia was nominated for the presidency by a Congressional caucus which, however, was attended by less than a third of the members. *Legislatures* in the New England States nominated John Quincy Adams; and in like fashion, Clay was nominated by Kentucky and Missouri, and Andrew Jackson by Tennessee and Pennsylvania. Jackson’s candidacy was a surprise and an offense to the other statesmen of the period. He was a “military hero,” and, to their eyes at that time, nothing more. Never before had a man been a candidate for that office without long and distinguished political service behind him. The campaign

The “era  
of good  
feeling” !

The election  
of 1824



was marked by bitter personalities. Adams, whose forbidding manners kept him aloof from the multitude, was derided as an aristocrat, while Jackson was applauded as a "man of the people." Jackson had 99 votes; Adams, 84; Crawford, 41; Clay, 37. According to the Twelfth amendment, the House of Representatives chose between the three highest; and Adams became President, through votes thrown to him by Clay. Adams afterward appointed Clay his Secretary of State; and friends of Jackson complained bitterly that the "will of the people" had been thwarted by what John Randolph called a "corrupt coalition between Puritan and blackleg." (Clay challenged Randolph, and a duel was fought without injury to any one. Honor thus appeased, pleasant social relations were restored between the two.)

The charge of a bargain was bitterly unjust; but the Jackson men at once began the campaign for the next election with Jackson's slogan — "Let the people rule." Adams was thwarted at every turn through-  
John Quincy Adams  
 out his four years. In 1807 Adams had moved the resolution in Congress that called out Gallatin's Report (page 366), and now, as President, his inaugural announced internal improvements as a leading policy, in opposition to the vetoes of Madison and Monroe. His first Message urged Congress further to multiply roads, found a National University, and build an astronomical observatory — "a lighthouse of the skies." But by this time many States had begun roads and canals of their own, and had no wish to help pay for competing lines elsewhere; so Congress had become lukewarm even on this matter. The President's position, however, helped on the formation of new political parties. Supporters of Adams and Clay, standing for internal improvements and protection, took the name of *National Republicans*, to indicate their belief in a strong Central government. To the Jackson men  
New parties  
 the campaign of 1828 was a protest against the undemocratic "usurpation" of 1824. Accordingly they took the name *Democratic Republicans* (to indicate their claim also to be

the true successors of Jefferson's "Republican party") or, a little later, merely Democrats. In opposition to the Broad Construction platform of their opponents, they soon became a "Strict Construction" party; but they won the election of 1828 before this question came to the front.

## PART VIII—A NEW DEMOCRACY, 1830-1850

### CHAPTER XXV

#### THE AMERICA OF 1830-1850

##### I. THE THREE SECTIONS

IN 1830 the Union had three great sections, — North, South, and West. But the Mississippi of that day was not "Southern," nor was Illinois "Northern." Both belonged to the West, while "North" and "South" applied only to the divisions of the Atlantic States.

*The North Atlantic section was turning to manufacturing.* New England used the water power of her rivers for cotton, woolen, and paper mills, building up a new line of towns (the Fall line) as at Lowell, Manchester, Lawrence, Holyoke, and Fall River.

The North  
Atlantic  
section

Pennsylvania, New Jersey, and New York got like results by using "stone coal" from the Pennsylvania mines, which were now accessible cheaply by the Pennsylvania canal system. In 1830 America still had only 32 cities with more than 8000 people; but all but four of these were in this manufacturing region. The population of the new factory towns came at first from the old farming class, drawn in from the country by the lure of companionship and cash wages. But in the thirties these workers began to be replaced by immigrants fresh from the Old World.

*The South had become stationary in industry.* Slave labor was unfit for manufactures; so the water power and mineral resources of that district went unused for forty years more. The leading industry remained tobacco and cotton raising. Southern society, too, remained stratified along the old lines. (1) At the top were some

The South



6000 families (25,000 or 30,000 people) of large planters, with numerous slaves,—sometimes a thousand to one owner. This aristocracy furnished the South's representation in the National government and almost all the higher State officials. (2) A hundred and thirty thousand families (650,000 people) owned perhaps from one to four slaves each. These small slaveholders, with about as many more non-slaveholding but well-to-do farmers, made up the yeomanry of the South, from whom were to come her famous soldiery. This class often differed from the aristocracy in political motives and aims; but it lacked leaders, and it had no organization from State to State. (3) The "poor Whites," without other property than a miserable cabin and a rough clearing, outnumbered the yeomanry two to one. This class made the political following of the rich planters. (4) The 180,000 free Negroes were hedged in by many vexing laws, and had, of course, no political rights. They could not serve on juries; nor were they allowed to move from place to place at will, or to receive any education.<sup>1</sup> (5) The 2,000,000 slaves made about half the whole population.

*The Mississippi valley* gave two more States to the Union in the decade after 1830: Arkansas in 1836, and Michigan in 1837. *The West* continued to grow more than twice as fast as the rest of the country. Between 1830 and 1840, Ohio increased 70 per cent; Indiana and Alabama, 100 per cent; Illinois and Mississippi trebled their numbers; Michigan multiplied her 32,000 by seven. In 1835 a line of steamboats began to ply regularly between Buffalo, at the end of the Erie Canal, and Chicago. *Now for the first time, New England had a fit road to the West.* Her sons quickly colonized southern Michigan and northern Indiana and Illinois, and a little later they made the leading element in Wisconsin, Iowa, and Minnesota. In 1830 Chicago and Milwaukee were still mere fur-trading stations. Pittsburg, with its 12,000 people, was growing dingy with coal smoke from its iron mills. Cincinnati ("Porkopolis"),

<sup>1</sup> There were nearly as many more free Negroes in the "Negro quarters" of Northern cities.

in the center of a rich farming country, had 25,000 people and took to itself the name "Queen City of the West"; but it was the only place in the oldest Northwestern State with more than 3000 people. St. Louis, the point of exchange between the fur trade of the upper Mississippi and Missouri, on the north, and the steamboat trade from New Orleans, boasted 6000. New Orleans remained without much change. The rest of the people dwelt in villages or on farms. Outside the aristocratic black belt, most of them lived in log cabins with homemade tables and beds and with rough benches or blocks of wood for chairs.



CHICAGO ("FORT DEARBORN") IN 1831. From a lithograph of the Chicago Historical Society, based on a contemporary drawing.

The Westerners of 1830 had developed a new American type—to remain the dominant one for two generations: tall, gaunt men, adventurous and resolute, of masterful temper, daunted by no emergency, impatient of authority, but with a leaven of high idealism. The West believed in the worth of the common man. Already it had become "the most American part of America." Here the new nation showed best its raw youth, unpolished, but sound at heart; crude, ungainly, lacking the poise and repose and dignity of older societies; but buoyantly self-

A new  
American  
type

confident, throbbing with rude vigor, grappling unconcernedly with impossible tasks, getting them done somehow, and dreaming overnight of vaster ones for the morrow. Some small embarrassment it felt for its temporary ignorance of books and art; but it exulted boastfully in its mastery of nature and its daring social experiments, and it appealed, with sure faith, to the future to add the refinements and graces of life.

This "American propensity to look forward to the future" for whatever it lacked in the present particularly amused the **Foreign critics** many supercilious and superficial English travelers of the day. These prejudice-blinded gentlemen delighted in portraying, with microscopic detail, skin-deep blemishes of American society. Even Charles Dickens, whom America loved, saw little but the spittoons and the hurry at the lunch counters. No one of these critics saw at all the most amazing spectacle of all history spread before their eyes: a nation in the making, occupying and subduing a rebellious continent; felling forests, plowing prairies, clearing the rivers, hewing out roads; founding farms and towns and commonwealths; solving offhand grave economic problems, wastefully sometimes, but effectively; and inventing and working out, on a gigantic scale, new, progressive principles of society and government. "You can't write books," carped the visitor. "We're busy just now," shouted the West carelessly over its shoulder, "but just wait till we get this bridge built, these prairies farmed, that new constitution framed."

In 1820 Sydney Smith closed his tirade in the *Edinburgh Review* with the famous passage: "Who, in the four quarters of the globe, reads an American book? or goes to an American play? or looks at an American painting or statue? . . . Who drinks out of American glasses? . . . or sleeps in American blankets?" To this charge (which the next twenty years were to make stupendously ridiculous) the *North American Review* replied with the customary defense, — the appeal to the future. This resulted in more ridicule from the *English Review*: —



"Others claim honor because of things done by a long line of ancestors: an American glories in the achievements of a distant posterity. . . . Others appeal to history: an American appeals to prophecy. . . . If a traveller complains of the inns, and hints a dislike for sleeping four in a bed, he . . . is told to wait a hundred years and see the superiority of American inns over British. If Shakspeare, Milton, Newton, are mentioned, he is told again, 'Wait till we have cleared our land, till we have idle time, wait till 1900, and then see how much nobler our poets and profounder our philosophers and longer our telescopes, than any your decrepit old hemisphere will produce.'"

That the retort might not seem so amusing "in 1900" never occurred to the English humorist, — or that there was quite as much sense in taking pride in descendants, whom we will have some share in fashioning, as in ancestors, who have only fashioned us. Englishmen paid dearly for this flippant blindness by the rancor stirred in American hearts, — which unhappily persisted long after England had frankly confessed her error.

## II. THE AWAKENING OF LABOR, 1825-1837

*Laborin' man an' laborin' woman*

*Her one glory an' one shame:*

*Ev'y thin' thet's done inhuman*

*Injers all on 'em the same.*

— LOWELL, in the *Biglow Papers*.

The democratic upheaval of the thirties, revealed first in the election of Jackson, was due, first of all, to the growth of the West. Next to that, it was due to the awakening of the labor class in Eastern cities.

In large degree, this labor class was a new class, due to the recent introduction of new machinery, and new methods of manufacturing, from England. In the last quarter of the eighteenth century, while America was waging her War of Independence, and while France was giving the world her great social revolution, obscure craftsmen in England — busied in homely toil, puzzling day after day over wheels and belts and levers, and seeking

The Industrial  
Revolution

some way to save time — had been working out the Industrial Revolution which was to change the daily life of the masses of men and women and children over all the world.

In colonial times, each housewife spent all spare moments at the spinning wheel, drawing out the fiber of flax or wool into thread or yarn, one thread at a time. This thread was woven into cloth on the primitive hand loom, older than history. In America this weaving also was usually done in each farm home. In England it was done commonly by a distinct class of skilled weavers.

The spinning was the slower work. One weaver could use all the thread that eight spinning wheels could supply.

English  
inventions  
for textile  
industries

The weavers could not get thread fast enough; and in 1761 prizes began to be offered for inventions for swifter spinning. Three years later — just when parliament was blundering into the Stamp Act — James Hargreaves, an English weaver, noticed that his wife's spinning wheel, tipped over on the floor, kept on whirling for a surprising time. Taking a hint from this position, he invented a machine where one wheel turned eight spindles and spun eight threads at a time. Hargreaves called the new machine the Jenny, for his wife. Soon it was improved so as to spin sixteen threads at a time.

Then in 1771 (two years after Lord North had provoked the "Boston Massacre," and two years before he provoked the Boston Tea Party) Richard Arkwright, an English peddler, devised a new sort of spinner without spindles. He ran his wool or cotton through a series of rollers, turning at different rates, to draw out the thread; and he drove his machine by water power, and so called it the Water Frame. The year after Burgoyne's surrender, or in 1779, Samuel Crompton, an English weaver, ingeniously combined the best features of the Jenny and the Water Frame in a machine which he called the Mule, in honor of this mixed parentage. With the Mule, one spinner could spin two hundred threads at a time.

Two hundred threads seem few to us, familiar as we are to-day with machinery such that a man with one or two

boys winds 12,000 spools at once; but at the time the Mule made a revolution in cloth manufacturing. Now the weavers could not keep up with the spinners; and it was needful to improve the loom. On the hand loom, threads were first drawn out lengthwise on a frame, making the warp. The weaver then passed his shuttle by hand back and forth between those threads to form the woof. But in 1784 Edmund Cartwright, an English clergyman, patented a power loom, in which the shuttle threw itself back and forth automatically.

The next need was more cotton to spin and weave. Whitney's Cotton Gin (page 345) soon made it easy for America to furnish that. And, even sooner, Watt's engines began to provide a better power than water to drive the new machinery. Steam was first used to drive spinning machinery in 1785. Fifteen years later, England was using more steam engines than water wheels. By 1800 the age of steam and of machinery had fairly begun in that country.

The English inventions were soon known in America, but they did not come into common use here for another generation. In 1800 this country had only four steam engines, and only four cotton mills run by water. The Industrial Revolution came here sooner than in any other country after England; but even here it did not begin until the War of 1812 made it necessary for us, for a time, to manufacture all our own cloth.

With machinery and steam power, one laborer was soon able to produce more wealth than hundreds had produced by the old hand processes. This ought to have been pure gain for all the world, and especially it should have meant more comfort and more leisure for the workers. It is not the fault of Hargreaves and Crompton and Cartwright and Watt that most of the new wealth went to a new class of capitalists: the fault lay with the imperfect organization of human society. Part of the increased wealth did go, indirectly, to the common gain, in lower prices. Every one could soon buy cloth and hardware cheaper than before the Industrial Revolution.

And the  
workers'  
lives



But, even yet, the workers have failed to get their fair share of the world's gain; and for many of them the Industrial Revolution has meant, not higher life, but lower life. Especially was this true when that Revolution was young.

The new machinery was costly. Workmen could not own it as they had owned their old looms and spinning wheels. Nor did they know how to combine so as to own it in groups. It all passed into the hands of "capitalists." The capitalist manufacturer was a new figure in human society. He was not himself a workman, like the small employers in the old Domestic system. He used his money to build huge brick factories, story on story; to fill them with costly machinery; to buy the "raw material" (cotton, wool, iron, as the case might be); and to pay wages to hired workers, or "operatives." The "Domestic" system of industry gave way to a new Capitalist system, or Wage system, or Factory system.

Under the old Domestic system, even in manufacturing districts like Pennsylvania, the workmen lived in their own homes, owned their own tools, and varied their toil (or used idle time) by tilling plots of ground about their cottages. Their condition was more like that of the farmer of to-day than like that of the modern factory worker. But as the Factory system came in, the worker was compelled to change his whole manner of life. He must reach the factory within a few minutes of the first bell, about sunrise, and stay until it grew too dark for work. So the capitalist built long blocks of ugly tenements near his factory, for rent; and his "hands" moved from their rural homes, with garden spots and fresh air and varied industry, into these crowded and squalid tenement districts, to live amid destitution and disease and vice. The Factory system built up towns swiftly; but these new towns had no fit water supply, no sewerage system, no garbage collection. Science had not learned how to care for these needs, and law had not begun to wrestle with them.

Capitalists  
and  
proletariat

Life under  
the Factory  
system

Thus the new manufacturing society was made up of two hostile classes. Under the Domestic system, apprentices and journeymen had expected to rise, sooner or later, to be "masters"; and at all times they lived in constant intercourse with their employers, who worked side by side with them, shared their hard conditions, and had a sort of fatherly guardianship over them. Under the new system, a particularly enterprising and fortunate workman might now and then rise into the capitalist class; but, on the whole, a distinct and permanent line divided the two classes.

The capitalist, too, had no personal contact with his workmen. He employed, not two or three, living in his own family, but hundreds or thousands whom he never saw outside the factory and whose names even he did not know except on the pay roll. There was little chance for understanding between him and his "hands."

The men who owned and managed factories and banks and canal systems, together with a growing body of speculators and small money-masters, made up the capitalist class. They were keen, forceful, driving men, with few interests outside "business." Absorbed in a mad race with one another for wealth and power, they had little sympathy or time for the needs of the two million "operatives" whose lives they ordered almost as absolutely as Southern planters ordered the lives of their two million Blacks. Like the planters of the black belt, too, they dwelt mainly in a small area — a narrow, curving band of manufacturing territory; but through many subtle influences, they held the faithful allegiance of the whole North Atlantic section from the Chesapeake to the Kennebec. They furnished the stocks and controlled the credit of the storekeepers in the small towns; they endowed the colleges and built the churches; they gave the best-paying employment to lawyers. The farmers — lately followers of Jefferson — felt their prosperity bound up with that of the great industrial towns that made their markets; and even the operatives long voted unquestioningly for the system which, they were assured, filled their meager dinner pails.

The  
"Capitalist  
system"

Nor were any of these tributary classes consciously servile. To most people in this period a "captain of industry" typified American success. He was the natural leader, honestly admired as a model for youth.

*This capitalist class early developed a keen scent for special privilege, to be secured through courts and legislatures.*

**And special privilege** Especially did it take advantage of the generous Americanism of South and West just after the War of 1812 to intensify the "protection" for its pet industries in the tariffs of the period. From this it reaped a rich harvest. Between 1820 and 1830 the output of American factories rose sixfold. In 1830 its value was a half greater than that of all the produce of Southern plantations — though the planters had an investment five times that of the factory owners. Since the factory workers got only a bare living, this huge factory output meant immense profits for the capitalist.

Between 1800 and 1825 the mass of hired labor in America shifted from the farm to the factory. The factory operative, like the capitalist, was a new figure. And, unlike the capitalist, he was a helpless one. He furnished nothing but his hands. Numbers of men wanted work; and much factory work could be done by women and children, — especially in cloth manufactures, where it consisted largely in turning levers or tying broken threads or cleaning rollers. Until the operatives learned to combine, so as to bargain collectively, the capitalist fixed wages and hours and conditions as he liked.

Carpenters and masons commonly worked from sunrise to sunset — just as farm laborers did. Those long hours were terribly hard; but they were endurable because **The long day** they were spent in fresh air, amid outdoor scenes, in interesting and varied activity. But this long labor day of thirteen or fifteen hours (for much of the year) was now carried into the factory. There it was unendurable and ruinous, because of foul air, poor light, incessant, nerve-racking noise of machinery, and because there it crushed women and children. Hope Factory (Rhode Island), in 1831, rang



its first bell ten minutes before sunrise. Five minutes after sunrise the gates were locked against tardy comers, not to open again until eight at night. A committee of laborers *claimed* that the employer stretched this horrible "day" by twenty or twenty-five minutes more, by always keeping the factory clock slow. The only respites from toil during the fifteen or sixteen hours were twenty-five minutes for breakfast and a like period for dinner, — both meals being cold lunches brought by the operatives. *And more than half the operatives were children.* This was not an exceptional instance: *it was typical.* At Paterson, New Jersey, women and children were at their work in the mills by 4:30 in the morning. The Eagle Mill (at Griswold, Connecticut) called on its employees, in 1832, for fifteen hours and ten minutes of actual toil.

*Lowell was a notable exception.* No child under twelve was employed there; the day was "short"; and all conditions were unusually favorable. At 4:30 A.M. the bell summoned the workers from their beds. At five they must be within the mills, and the gates were closed. With a half hour, later, for breakfast, and forty-five minutes for "dinner," the labor continued till 7 P.M. The manufacturing company provided plain lodgings and arrangements for cheap board at \$1.50 per week. *Skillful* workers (paid by the piece) might possibly earn twice that amount. The employees were almost all farmers' daughters. After their fourteen hours a day in the factory, these vigorous young women, *for one generation*, had energy for literary clubs and social activities. Churches and lectures arranged their meetings late enough in the evening to be attended by these eager working girls, — who also wrote, edited, and published a periodical of considerable literary merit.

*The working class were first aroused against this long labor day by a growing conviction of the need of schooling for factory children.* In the Massachusetts legislature of 1825, a committee on education sent inquiries to the mayors and aldermen of all Massachusetts factory towns regarding hours of labor for children and

Absence  
of schooling  
for child  
operatives

opportunities for schooling. The replies were as favorable as shame, or local pride, could make them; but no town *claimed* less than eleven hours of steady work per day for children (from six to seventeen years old), and only two reported so short a day. The "dawn to dark" day was frankly reported in many cases. Seekunk stated that its child operatives "work twelve hours; *Some may get eight weeks' Schoolg.*"<sup>1</sup> Waltham failed to state the hours of labor, but said, "As much oppy for Schoolg as can be expected" (!) Bellingham honestly declared, "Work twelve hours pr day. No oppy for School except by employg substitutes." [This long labor day meant *every day in the year*, save Sundays, be it remembered, except in a few places where conditions made it more profitable to close the factories for some eight weeks of the winter.] Southbridge reported "*Average twelve hours. These children are better off than their neighbors*" (!) Boston said concisely, "No Schoolg." Fall River, with unconscious irony, stated, "Work all day. There are good public and private S. and a free Sunday School."

These horrible conditions show even more plainly in a temperate statement by "Many Operatives" in the *Mechanics' Free Press* for August 21, 1830, regarding children in the Philadelphia factories:—

"It is a well-known fact that the principal part of the helps in cotton factories consist of boys and girls, we may safely say *from six to seventeen years of age. . . . We are confident that not more than one-sixth of the boys and girls employed in such factories are capable of reading or writing their own names.* We have known many instances where parents who are capable of giving their children a trifling education, one at a time, [have been] deprived of that opportunity by their employers' threats *that if they did take one child from their employ, a short time, for school, such family*

<sup>1</sup> The quotations from these replies are given from a tabulated summary made by the committee in its report to the legislature. The report seems never to have been printed until it was reproduced *recently* in the *Documentary History of American Industrial Society* (10 vols.; edited by John R. Commons, in association with four other scholars). Most of the other facts about labor stated in pp. 431-442 are based upon documents given in volumes V and VI of that work.

*must leave the employment . . . and we have even known such threats put in execution. . . .*"

In 1832, at a Boston convention of *New England Mechanics and Workingmen*, a committee reported upon the schooling of working-class children with much detail. The summary of that report runs:—

*"The children . . . employed in manufactories constitute about two fifths of the whole number of persons employed. . . . On a general average the youth and children . . . are compelled to labor at least thirteen and a half, perhaps fourteen, hours per day, factory time. . . . Your committee also learn that in general no child can be taken from a Cotton Mill, to be placed at school, for any length of time, however short, without certain loss of employ. . . . Nor are parents, having a number of children in a mill, allowed to withdraw one or more without withdrawing the whole — for which reason, as such children are generally the offspring of parents whose poverty has made them entirely dependent on the will of their employers, they are very seldom taken from the mills to be placed in school. . . . It is with regret that your committee are absolutely forced to the conclusion that the only opportunities allowed to children generally, employed in manufactories, to obtain an education, are on the Sabbath and after half-past 8 o'clock of the evening of other days. Your committee cannot, therefore, without the violation of a solemn trust, withhold their unanimous opinion that the opportunities allowed to children employed in manufactories to obtain an education suitable to the character of American freemen, and to the wives and mothers of such, are altogether inadequate to the purpose; that the evils complained of are unjust and cruel; and are no less than the sacrifice of the dearest interests of thousands of the rising generation to the cupidity and avarice of their employers."*

*Labor, too, had lost its old lever of free land.* Near the Eastern cities, land was no longer "free." Even in the West the rage for speculation in land forced the real Labor and the land settler either to pay unreasonable prices to private holders, or to take undesirable lands, or to go far from markets and neighbors, — so that his life was more barren and his profits lost in the cost of transportation.



Still the public domain in that vast section did offer hope to many *individuals* from the East, especially if they had a little capital and much self-reliance. But such emigrants went mainly from the farm or the small village. The public domain did not much help the factory class. How should a penniless factory family get team and wagon for the long journey to the West? Or food and supplies for that journey and for the hard months afterward while the first crop was coming to harvest? Or tools and seed to get in a crop? How, indeed, should the man get the \$100 necessary to secure the smallest farm the government would sell him, or the \$1000 necessary for a simple equipment? Or, if he took the chance of "squatting" on government land, without paying down the price, how should he keep some sharp-eyed speculator from buying the place at the first government sale — so reaping all the profits of his toil? Pre-emption and homestead laws were still in the future, though both the West and the Eastern labor party were already calling for them. In the absence of such laws, the poor man from the East who sought a home on the public domain took heroic risks.

Labor, then, must depend upon itself, and wage its fight in its own Eastern home. So the workers sought strength in organization. Labor "unions" had appeared Early labor unions, before 1820 before 1800, but only for "mutual insurance" and other benevolent and social purposes. The hint that such organizations might be used in class war seems to have come from the side of capital. Soon after 1800, the newspapers begin to notice "combinations" of capitalists to raise prices. Then the labor combinations began to ask for shorter hours and better wages, and finally to "strike" for them. Between 1802 and 1807, New York, Philadelphia, Boston, and Baltimore (about all the cities of that time) had one or more strikes.

A few progressive thinkers, like William Ellery Channing and Horace Mann, saw that the labor question was the question of human welfare; but in general the "respectable classes" long looked on all labor unions as iniquitous and

revolutionary conspiracies. Like the old French political despotism (page 13), so in this industrial matter, the capitalist classes held it proper that each weak worker should speak for himself, and that "no one should speak for the whole." In Boston, a "combination" of merchants announced in the public press that *their* "union" had pledged itself to drive the shipwrights, caulkers, and gravers of that city to abandon "unions" or starve, and that they had subscribed \$20,000 for that purpose. (It is curious to note that Monroe, in one of his messages to Congress during the terrible panic of 1819, had congratulated manufacturers on the "fall in the price of labor, so favorable to the success of domestic manufactures." And Hamilton, in urging that America should develop manufactures, wrote with enthusiasm of the fact that in Great Britain four sevenths of the employees in the cotton factories were women and children, the greater proportion being children, "and many of a tender age"!)

The attitude of the propertied classes was reflected in the courts. Here the unions found their chief obstacle. The courts promptly put down this first series of early Labor and the courts strikes by punishing the leaders sternly for "conspiracy" — under the odious principles of the English Common Law. In 1825, it is true, a New York jury destroyed the terror of such prosecutions for a time by awarding a fine of only one dollar for the "crime" of "conspiring to raise wages." But not till 1842 did any court recognize that workmen had the same right of collective bargaining as had always been possessed without question by employers. In that year the Massachusetts Supreme Court held that labor organizations might legally try to advance wages "by rules binding solely on members."

Another obstacle to the early labor movement was the fact that all newspapers were bitterly and contemptuously hostile. The working class had no way to get their Labor and the press grievances or their program before the public. But in 1825 George Henry Evans and Frederick W. Evans (recent English immigrants) began to publish the *Working-man's Advocate* at New York. Two years later, the *Mechan-*

*ics' Free Press* appeared at Philadelphia. Then "unions" multiplied swiftly, and a strenuous labor war began. The twelve years between the founding of the first labor paper (1825) and the great "panic" of 1837 saw the first real labor movement in America.

Later organization in this period had three stages.

First each important trade in each large city organized its "trade association." These associations were *local*; and one trade had no connection even with another of the same city. But in 1827 the Journeymen Carpenters' association in Philadelphia struck for a ten-hour day. The struggle was a stubborn one, and other trade associations in the city gave sympathy and some help to the carpenters. The strike failed. But it had taught the need of wider union among workingmen to gain their common end; and the next year the many trade associations of Philadelphia federated in the "*Mechanics' Union of Trade Associations.*"<sup>1</sup>

This second stage in labor organization spread swiftly. New York had its General Trades' Union in 1831, growing out of a successful carpenters' strike which had been supported actively by other trades. Like Unions were soon found in the remaining large cities. Such a federation held considerable authority over the several local "associations" which composed it. It usually maintained a Trades' Union hall, with courses of public lectures and a labor paper, and it took an active part in supporting strikes (when approved by it) from the general treasury and by public meetings.

The third stage of organization came in 1834, when the various city Trades' Unions organized a national federation. This "republic of labor" held conventions in 1834, 1835, 1836, and 1837; but the organization was imperfect, and in 1837 it was engulfed in the industrial depression that followed the panic of that year (page 472).

<sup>1</sup> Terms have shifted. The appropriate name, *Trades' Union*, has been corrupted into "trade-union" for the name of the association of workers in *one* trade; and consequently the more general union has had to seek new names, — such as Trades' Assembly, or Trades' Council.



Recent extension of the franchise had made voters out of the mechanics (page 453), and, from the first, the labor organizations turned to political activity. On August 11, 1828, the Philadelphia Trades' Union, <sup>And politics</sup> at a public meeting, recommended "to the Mechanics and Working Men of the city *to support such men only* for the City Council and State Legislature, *as shall have pledged themselves . . . to support the interests and claims of the Working Classes.*" The "Delegates of the Working Men," accordingly, sent a circular letter to fourteen candidates for the legislature "to obtain your views in relation to the following subjects:—

"First. An equal and general system of Education.

"Second. The banking system, and all other exclusive monopolies.

"Third. Lotteries: whether a total abolishment of them is not essential to the moral as well as to the pecuniary interest of society." <sup>1</sup>

Then, after a strong paragraph expressing the special interest of the working class in the *first* question, the circular concludes,—"If your views on these matters should be in accordance with those we represent, we request you to allow us to *place your name upon our ticket.*"

Soon, definite Workingmen's parties appeared in various localities. In 1830 in New York a "Workingman's party" nominated a State ticket. Its candidate for gov- <sup>Labor</sup> ernor got only 3000 votes, but three labor candi- <sup>parties</sup> dates were chosen to the legislature, and Ely Moore (president of the New York City Trades' Union) was sent to Congress. In 1834, in far-away eastern Tennessee, a labor party brought the tailor *Andrew Johnson* into public life as alderman in a mountain village. And a Boston Convention

<sup>1</sup> "There are at present," says another address from the same source a little later, "not less than 200 lottery offices in Philadelphia, and as many, if not more, persons engaged in hawking tickets." Special complaint is directed at these "itinerant venders" who "assail the poor man at his labor, enter the abode of the needy, and, by holding out false promises of wealth, induce him to hazard his little all in the demoralizing system."

of the "New England Association of Farmers, Mechanics, and Other Working men" urged "*the organization of the whole laboring population*" in order to revise "our social and political system," hoping "to imbue . . . our offspring with . . . abhorrence for the usurpation of aristocracy . . . so . . . that they shall dedicate their lives to a completion of the work which their ancestors commenced in their struggle for *national*, and their sires have continued in their contest for *personal*, independence."

But no *national* labor party was formed. The old political parties began at once to bid eagerly for the labor vote, and, bit by bit, much of its program was placed in the statute books. In New York, one wing of the new Democratic party was especially friendly. This was the "Equal Rights" party, or the Loco Focos, who, like the labor organizations, opposed all special privileges and the monopoly of the United States Bank. In 1835 the Loco Focos absorbed bodily the Workingman's party in New York State. Soon after, the labor organizations in other States were lost in the fully developed Democratic party. For some years that party remained in large degree a workingman's party. When it surrendered to the Slave Power, the political labor movement received a fatal blow. The remnants of the labor forces made a leading element in the various Liberty and Free Soil parties (below), but the movement for a distinct labor organization did not revive until after the Civil War.

The strikes of the years 1825-1837 aimed: (1) to raise wages; (2) to secure what we now call the "closed shop" (*i.e.* to compel the employment of union labor only, to the exclusion of non-union men, known even then as "rats" and "scabs"); and (3) to shorten the working-day to ten hours. But, in its political action, the Workingman's party turned away from these problems, vital as they were, to broader social reforms. They sought to abolish monopolies and lotteries and imprisonment for debt;<sup>1</sup> to exempt a work-

Aims of  
Labor in  
1830

<sup>1</sup> In the early thirties thousands were still imprisoned for debt *each* year.

ingman's home and tools from seizure for debt; to give him a lien on his work for his wages; to make it easier for him to get a home out of the public domain; to give women "equal rights with men in all respects"; and to establish a noble system of public schools — far ahead of any practice in that day. The closed-shop principle failed when the unions fell in the "panic" of 1837. Rights for women, too, had to wait long. The other demands were attained fully or in fair measure.

1. *This labor movement was the first clear demand in America that society should put "man above the dollar."*

Forty years before, the makers of the Constitu- Man and  
the dollar tion agreed that the end of government was to protect property. But the laborer now demanded, *as a right*, that the rich should help pay for his children's schooling; that his person should no longer be seized for debt, nor his means of livelihood; and that, when a creditor, his wages should have a first lien, ahead of other creditors' claims. These demands, disregarding the old "rights" of property, rested on the broad claim *that they aimed to advance general human welfare*. Many good people called them communistic. But modern society has come to see all this as did the workingmen of the thirties. The laborer's wages, we agree, should have preference over the capitalist's profits. The one may add to the graces of life for the few: the other means life itself, and a decent standard of living, for the many.

2. *The demand for a ten-hour day, in place of the inhuman dawn-to-dark day, was long resisted by the employer class as though it would overturn all social order. When* A ten-hour  
day *the carpenter journeymen of Philadelphia organized in 1827 to get that shorter day (page 436), the employers united in an address to the public, in which: (1) they complained of the attempt to "deprive employers of about one-fifth part of their usual time"; (2) they "regretted" the formation of "a society that has a tendency to subvert good order, and coerce or mislead those who have been industriously pursuing their avocation and honestly maintaining their*



families"; and (3) they declared their united resolution not to "employ any Journeyman who will not give his time and labor as usual, *in as much as we believe the present mode has not been, and is not now, oppressive to the workmen.*"

The journeymen replied with an appeal for public sympathy: "Citizens of Philadelphia, to you we appeal; with you rests the ultimate success or failure of our cause. Will you not assist us? Remember we are men . . . and say will you combine with our employers to force us to be slaves?"

The strike failed, as did several others in Philadelphia for the same purpose. But public sympathy was won for the cause, and monster petitions began to pour in upon the city government to adopt the shorter day for *workingmen employed for the city*. June 4, 1835, the city council yielded, and private concerns slowly followed this example.

In Baltimore, too, the same year, a general strike established the ten-hour day for all business, public and private. But, in the Boston district, three great strikes for this object were crushed by irresistible combinations of capitalists pledged publicly to force their employees to keep the old "dawn-to-dark" day. *Success* there, and in the rest of the country, *came through the example of the Federal government*. Van Buren (Jackson's successor) had been closely associated with the New York Loco Focos; and the National Convention of Trades' Unions in 1836 brought all possible pressure to bear upon him, *during his campaign for the Presidency*. In 1840, as President, Van Buren redeemed his promises. He issued a notable order directing a ten-hour day in the navy yards and in all "public establishments" of the government. During the next ten years ten hours became the regular labor day for artisans and factories throughout most of the country, though in some districts, especially in New England, a twelve-hour day remained the rule down to the Civil War.

Van Buren's  
"ten-hour  
order"

3. Foremost in the program of the workingmen stood the demand for free schools supported by public taxes and controlled by the public will. In New England this ancient

principle of the Puritans had been largely abandoned, and the surviving public schools were much inferior to the private schools. In New York and Pennsylvania (outside Philadelphia, Pittsburg, and Lancaster County), all public schools were *pauper schools*—cheap private enterprises for poor children *only*, supported by appropriations from the county boards. The labor unions protested indignantly against

Labor and  
our free  
school  
system

	Belling- for work to comm	Bell ing for breakf	Belling- for work to work	Bell ing for dinner	Belling for work to work	Work cease
Jan. & Feb.	Sunrise	—	—	12.30	1.10	7.
March 1 <sup>st</sup> to 20 <sup>th</sup>	Sunrise	7.30	8.10	12.30	1.10	7.
March 20 <sup>th</sup> to Apr. 30 <sup>th</sup>	Sunrise	7.	7.40	12.	12.40	Sunset
May, June, and July	4.55	6.30	7.10	12.	12.55	6.45
Aug. 1 <sup>st</sup> to 15 <sup>th</sup>	Sunrise.	6.30	7.10	12.	12.55	6.45
Aug. 15 <sup>th</sup> to Sept. 20 <sup>th</sup>	Sunrise	7.	7.40	12.	12.55	Sunset
Sept. 20 <sup>th</sup> to Oct. 30 <sup>th</sup>	Sunrise	7.30	8.10	12.30	1.10	7.
Nov. and Dec.	Sunrise	—	—	12.30	1.10	7.

Breakfast before commencing work in Nov. Dec. Jan & Feb.

TIME CARD OF MACHINE SHOP IN PROVIDENCE, R. I., FOR 1848. From Ida Tarbell's *Golden Rule in Business*.

the pauper school, and against any "class" school. They called for a "general and equal education . . . immediately under the control and suffrage of the people," not "as charity . . . but as of right," "for every child in the State, from the lowest branch of the infant school to the lecture rooms of practical science."<sup>1</sup> They anticipated also the modern demands for the kindergarten and for

<sup>1</sup> These quoted phrases are all taken from two of many reports on this matter adopted by the Mechanics' Union of Philadelphia. They are typical.

industrial training. The documents are too long to quote and too many to be even indicated; but they are noble reading. One brief excerpt must suffice. In February, 1830, a committee of the Philadelphia Mechanics' Union reported to a meeting of "the friends of general and equal education" a long and remarkable statement on conditions in Pennsylvania, with a draft of a bill to correct the evils. Three evenings were devoted by the meeting to discussion of the report, after which it was unanimously adopted. The report was widely copied in labor papers. It protests against the absence of all schools in many districts, the *pauper* character of such as exist, their limited instruction, and the absence of any attempt to supply a "judicious infant training" for children under five. Their own bill, the committee claim, will extend schools throughout the whole commonwealth; will place them "immediately under the control and suffrage of the people"; and "its benefits and privileges will not, as at present, be limited, *as an act of charity*, to the poor alone, but will extend equally *and of right* to all classes, and be supported at the expense of all."

Toward this call for free schools for the people, the capitalistic press adopted a tone of condescending reproof. It reminded the workers that more education was already attainable by the poor in America than anywhere else. *Much more could never be expected.* "The peasant must labor during those hours of the day which his wealthy neighbor can give to abstract culture: otherwise the earth would not yield enough for the subsistence of all." And again, "Education . . . must be the work of individuals. . . . If a government concern, *nothing could prevent it from becoming a political job.*" Many leading papers reviled the idea of free public schools as "Agrarianism" or "an arbitrary division of property." And one editor deplores the taking away from "the more thriving members" of the working classes "one of their chief incitements to industry, — the hope of earning the means of educating their children." Indeed, it is hard to find any of the hoary argu-

And the  
capitalist  
press



ments, still furbished anew against every democratic proposal, which were not worn threadbare in the thirties in opposition to a free-school system.

### III. INTELLECTUAL AND SOCIAL PROGRESS

Throughout the East in 1830, we have noted, *elementary public schools* were lacking or poor. Their revival was owing first of all to the persistent demand by the work- Horace ingmen. That agitation prepared the ground for Mann the work of humanitarian reformers led by Horace Mann. Through Mann's efforts, Massachusetts created a State Board of Education in 1837 and established the first American Normal School in 1839. By such forces, a good system of "common schools" soon spread over the Eastern States.

Meantime the Northwest, where all men were workingmen, was setting up, on paper at least, *a complete system of free public education*, such as the workingmen of Education the East were vainly asking for. In the West, in the West elementary schools drew some help from the national land grant in the Survey Ordinance (page 255), and State "universities" were founded early to save the national grant for "higher institutions of learning" (page 256). A State It was natural therefore for the West to try to system link primary school and university by public "high-schools," so as to form a complete State system. The constitution of Indiana in 1816 declared it the duty of the legislature to establish "*a general system of education, ascending in regular graduation from township schools to a State University, — wherein tuition shall be gratis and equally open to all.*"

In practice, however, private academies made the chief link between elementary schools and college for two generations more. Even the primary schools were often more imposing on paper than in fact; and in many States the land grants were wasted or stolen by incompetent or venal politicians. Still, by 1840, public schools were frequent enough in the Northwest, as in the Northeast, so that a

poor boy with ambition and self-denial could usually get at least "a common school education."

"*Higher education*" made even more progress than did the common schools. The Western "universities" were paper universities for some time more; but the "small college" multiplied in numbers and grew toward high standards and enlarged usefulness, especially in the Northeast. Amherst, Bowdoin, Dartmouth, Hobart, Williams, in that section, had multitudes of ambitious imitators in the Southern and Northwestern States. Every Southern planter sent his sons to college, as a matter of course, — very often to the larger Northern institutions. In proportion to the White population, therefore, the South had more youth in college, down to the Civil War, than any other section. *In 1830 Oberlin, in Ohio, opened its doors to women.* No other institution of equal rank did so for twenty years more; but many "seminaries" for girls soon appeared.

*The first real flowering in American literature came just after 1830.* America's only earlier distinction in letters had been in political oratory. In this field, from 1812 to 1830, Webster, Clay, and Calhoun sustained the best traditions of the Revolutionary days; and those same years saw also the *early* work of Irving, Cooper, Simms, and Bryant. All these long continued to grow in fame. And now, between 1830 and 1845, began the public career of Edward Everett in oratory; of Emerson, Hawthorne, Holmes, Longfellow, Lowell, Poe, and Whittier in the literature of creative imagination and spiritual power; of Bancroft, Prescott, Palfrey, and Sparks in historical composition; of Kent and Story in legal commentary; of Audubon, Agassiz, Dana, Maury, and Asa Gray in science. Noah Webster's *Dictionary* was published in 1828; ten years later, the Smithsonian Institution was founded; and, midway between, appeared the first penny daily, the *New York Sun*.

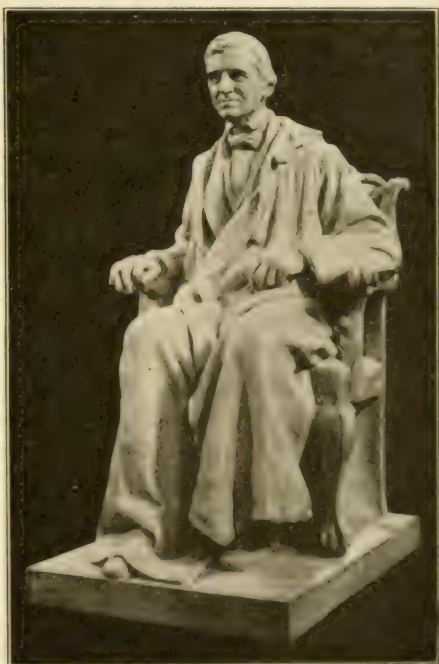
New England had the chief glory in this literary outburst; but all the old sections shared in it, and the Northwest gave it as eager *appreciation* as New England itself. The Southern aristocracy had little sympathy with

"Yankee" literature, tinged as most of it was with anti-slavery sentiment, but clung conservatively to the old English classics and to such moderns as Scott, along with its own representatives in the lists above.

The finest part of this literary movement was rooted in a New England religious awakening. Between 1815 and 1830, *Unitarianism*, organized by William Ellery Channing, had deeply modified New England thought. Unitarianism was an intellectual re-

Unitarian-  
ism and  
democracy

volt against the somber and rigid doctrines of the prevalent Calvinistic Congregationalism. It placed hope of salvation not in the dogma of the atonement, but in conduct; it asserted, in opposition to the doctrine of total depravity, that there was essential good in every man, with possibilities of infinite development. It taught, not that man's fate was predestined, but that he was himself master of his fate. At first it was as sternly logical as Calvinism itself; but the Emersonian "Transcendentalists" of the thirties placed emphasis upon its cheering affirmations rather than its denials, and gave the



RALPH WALDO EMERSON. The statue by Daniel Chester French at the public library of Concord, Emerson's home.

movement a joyous moral enthusiasm. It was both a cause and a result of the progress in democracy. The old Congregationalism had been the fast ally of aristocratic Federalism; Unitarianism was an expression of a democratic age. Differ



as they might in characteristics, Emerson and Andrew Jackson belonged fundamentally to the same era, — the serene prophet of the spiritual worth and dignity of each soul, and the passionate apostle of political and social equality.

Unitarianism never counted large in numbers; but nearly all the famous names catalogued above were connected with it, and it early captured Harvard. Gradually, it permeated and transformed Calvinistic Congregationalism. A less rigidly intellectual revolt against Calvinism, — more emotional than Unitarianism and equally optimistic and democratic, — gave rise to *Universalism* and to a growth of the *Methodist* churches and of various new sects. Said Emerson of this "theological thaw," "'Tis a whole population of ladies and gentlemen out in search of a religion."

The intellectual and religious ferment of the thirties transformed society. Exact and profound scholarship was still lacking; but an aspiration for knowledge, a hunger for culture, a splendid idealism, became characteristics of American life, — until "fattened out," for a time after 1875, by a gross material prosperity. During that long era, to welcome "high thinking" at the price of "plain living" was instinctive in an almost unbelievably large portion of the people. Ambitious boys, barefoot and in threadworn coats, thronged the little colleges, not for four years of a good time, but with genuine passion to break into the fairy realm of knowledge;<sup>1</sup> and their hard-earned dimes that did not have

<sup>1</sup> In 1846 a boy of eighteen started for Knox College, at Galesburg, Illinois. By working as a farm hand (he harvested two weeks for a Virgil and a Latin Dictionary), and by teaching school for a few months (and "boarding round") at eight dollars a month, he had saved up ten dollars. He walked first to Chicago, the nearest town, for supplies; but the unaccustomed temptation of the display in a bookstore window lured him within, and most of his capital went for a few books, which would seem old-fashioned, indeed, to the boys of to-day. The remaining cash bought only a pair of shoes and an Indian-blanket coat (with great stripes about the bottom). To save the precious shoes, he then *walked* the two hundred miles from his home to Galesburg barefoot. His first day there, he built a fence for the President's cow pasture, to earn money for textbooks, and found a place to work for his board through the college year. This man became one of the notable builders of a Western commonwealth, and his story is a typical one.

to go for plain food went for books. English authors of a new sort of genius — Carlyle, Browning, William Morris — as well as English scientists with new teachings, like Darwin and Huxley, reached appreciative audiences in America sooner than at home. It is notorious that Carlyle's long-delayed income from his books came first from reprints in America, managed by Emerson; and many another English book, afterward recognized as epoch-making, found its way into far Western villages, and into the hands of eager young men and women there who had never worn evening dress or eaten a course dinner, long before it penetrated to even the "reading set" at Oxford University. The *North American Review* and, a little later, the *Atlantic Monthly* could be seen in isolated farmhouses. Before 1862, William Dean Howells, then a young newspaper writer in a raw Western town, counted Browning and Thackeray among his favorite authors; but Walter Besant mentions in his *Autobiography* that these authors were not then known to his set at Cambridge University.

A caricature picturing a gaunt New England housewife on hands and knees to scrub, but pushing before her a stand holding an open copy of Emerson to which her eyes were glued, might have been applied, with no more exaggeration, to the strenuous struggle for culture in many a modest home in Kansas or Minnesota. The village sewing society eschewed gossip to listen to one of their number reading aloud while the others plied the needle. Each village had its lyceum, for the winter evenings, with literary programs, — readings, declamations, and debates — crude and quaint enough, sometimes, but better than "refined vaudeville." Such villages, too, aspired to frequent courses of lectures, — with such eastern celebrities as Holmes and Everett on the program; and often the proceeds of the lectures were used to start a village library.<sup>1</sup> Twice, on such lecture

<sup>1</sup> In 1859 Edward Everett lectured at St. Cloud, a new, straggling village of a hundred houses, in Minnesota. The one-room schoolhouse in which he spoke was promptly named the Everett School; and receipts from the "entertainment" were appropriated for a library which was kept for years in a private home. After the Civil War, a Woman's Aid Society, which had been earning money to send

tours, Emerson penetrated beyond the Mississippi, greeted in barn-like "halls" by hard-handed men and women, seated on wooden benches, with eager faces agleam with keen intellectual delight.

The intellectual and moral ferment of the time overflowed in manifold attempts at Utopias set off from ordinary society.

**Attempted Utopias** New England Transcendentalists tried a coöperative society at *Brook Farm* (1841), with which Emerson and Hawthorne were connected, and which the latter's *Blithedale Romance* afterward satirized. Robert Owen, who had already attempted a model industrial town in Scotland, founded *New Harmony* in Indiana, where labor and property were to be in common. Scores of like communities were soon established in different parts of the West; and the old communistic societies of the "Shakers" spread rapidly. Said Emerson, with genial recognition of the humorous side of the upheaval, "Not a man you meet but has a draft of a new community in his pocket."

Peculiar among these movements was Mormonism, with its institution of polygamy. Mormonism was founded at Palmyra, New York, in 1829, by *Joseph Smith*, who **Mormonism** claimed to be a prophet and to have discovered the inspired *Book of Mormon*. Soon the "Latter-Day Saints" removed to Ohio; then to Missouri; and, driven thence by popular hatred, to Illinois, where, in 1841, they established at Nauvoo a "Holy City" of ten thousand people, industrious and prosperous, ruled by Smith after the fashion of an ancient Hebrew "Judge." Three years later, a mob from surrounding towns broke up the settlement and murdered Smith. Then, under the youthful Brigham Young, the persecuted Mormons sought refuge in Utah, vaguely supposed to be a part of

"luxuries" and medicines to sick soldiers, continued its meetings and used its money to enlarge this choice collection of books. There, as a boy, the writer made first acquaintance with Carlyle, Marcus Aurelius, standard histories of that day, such as Prescott's *Philip II* and Motley's *Rise of the Dutch Republic*, and the novels of Scott, George Eliot, and Thackeray. This experience was typical. The few books, purchased by real book lovers, were not yet buried in a mass of commonplace.



Mexico, but remote from any organized government and sheltered from "civilization" by the desert and the Rockies. Here their industry made the cactus sands to bloom, and they remained in peace until invaded by the rush of gold-seekers to California after '49.

More effective than these attempts at new Utopian societies were a multitude of movements for social betterment *within* the existing community. Massachusetts <sup>Social</sup> founded the first *public* hospital for the insane; and <sup>betterment</sup> Dorothy Dix spent a noble life in spreading such institutions in other States. Special schools for the deaf and the blind were instituted. States began to separate juvenile delinquents from hardened criminals; and for the criminals themselves more rational and wholesome prison life was attempted. Temperance societies began in Boston in 1824; and, in 1846, Maine adopted the first State-wide prohibition law. The Abolition movement rose and spread, and soon the agitation against slavery became the chief manifestation of this great wave of moral earnestness. The thirties, too, saw the beginning of a long agitation for Woman's Rights, including coeducation, equality with men in inheriting and owning property, and the franchise. The legal position of woman everywhere in America was still regulated by the medieval *Common law*. An unmarried woman's earnings and "property" were not hers (any more than a slave's were his), but belonged legally to her father. A married woman's property (unless protected by express legal settlement) was her husband's, and, in many degrading ways, she was herself his chattel. *Statute* law now began faint reform of some of these evils.

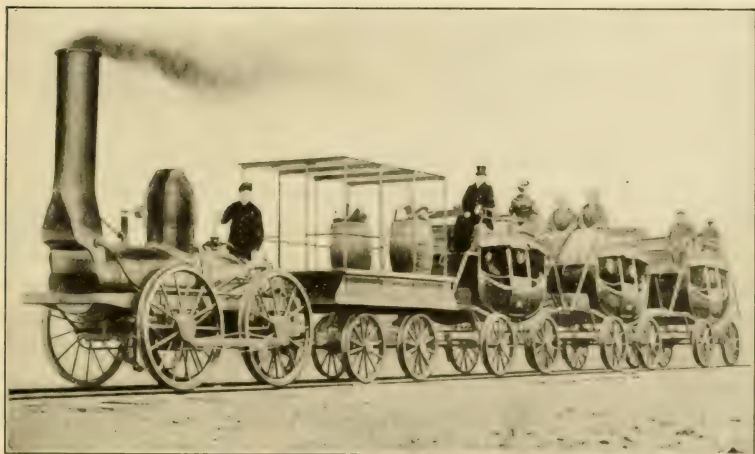
*Mechanical invention*, too, began to revolutionize industry and life. From the inauguration of Washington to the War of 1812, patents for new inventions <sup>Mechanical</sup> averaged less than eighty a year. From 1812 to <sup>invention</sup> 1820, they rose to nearly two hundred a year, and in 1830 the number was 544. Twenty years later, the thousand mark was passed, and in 1860, the number was nearly 5000.

These inventions saved time or tended to make life more comfortable or more attractive. A few cases only can be mentioned from the bewildering mass. Axes, scythes, and other edged tools, formerly imported, were manufactured at home. The McCormick reaper appeared in 1831. This invention, with its improvements, soon multiplied the farmer's efficiency in the harvest field by twenty, and, with the general introduction of threshing machines, made it possible for our people to use the vast grain lands of the Northwest. Planing mills created a new industry in wood. Colt's "revolver" (1835) replaced the one-shot "pistol." Iron stoves began to rival the ancient fireplace for cooking. Friction matches (invented in England in 1827) were the first improvement on prehistoric methods of making fire. Illuminating gas for city streets improved city morals. In 1838 the English *Great Western*, with screw propeller and with coal to heat its boilers, established steam navigation across the Atlantic, — though the bulk of ocean freight continued long to be carried in American sailing ships. The same year saw the invention of the steam hammer and the successful application of anthracite coal to smelting iron.<sup>1</sup> In 1839 a Frenchman, Daguerre, began photography with his "daguerreotypes," and still earlier another French chemist had found how to can foods. In 1842 the anesthetic value of ether, an incomparable boon to suffering humanity, was discovered by Dr. Crawford W. Long of Georgia. The magnetic telegraph, invented in 1835, was made effective in 1844. Howe's sewing machine was patented in 1846; the next year saw the first rotary printing press.

Except as otherwise indicated, all these inventions were by Americans. In 1841 America had its full revenge for earlier British disdain, when a member of the English cabinet declared in parliament, "I apprehend that a majority of the really new inventions [lately introduced into England] have originated abroad, *especially in America.*"

<sup>1</sup> Pittsburg was already the center of iron manufactures for the West. Now its neighborhood to both anthracite and iron made it a center of this great industry for the whole country.

*The Railway* deserves a fuller account. Tramways (lines of wooden rails for cars drawn by horses, for short distances) came into use in some American cities about 1807. <sup>The railway</sup> As early as 1811, John Stevens began twenty years of fruitless efforts to interest capital in his dream of a steam railway. In 1814, in England, George Stephenson completed a locomotive, which found employment in hauling coal on short tracks; but no railway of consequence for passenger traffic was opened there until about 1830. After



THE "DE WITT CLINTON," the first railroad locomotive that ran in New York. It made its first trip, August 9, 1831, from Albany to Schenectady. From a photograph of a "restoration."

1825, the question was much agitated in America; and July 4, 1828, the aged Charles Carroll, signer of the Declaration of Independence, drove the golden spike that marked the beginning of the Baltimore and Ohio. The same year witnessed a score of charters to projected lines; but construction was slow, from lack of experience and materials, and especially from lack of engineers to survey and construct roadbeds; and it was still thought commonly that about the only advantage for railroads over canals would lie in the freedom from interruption by ice in winter.

In 1830 less than thirty miles of track were in use, — and



this only for "coaches" drawn by horses; but in 1840 nearly three thousand miles were in operation, and, for long thereafter, the mileage doubled each five years. The early rails were of wood, protected from wear by a covering of wrought-iron "straps," perhaps half an inch thick, which had the awkward habit of curling up at a loosened end. The "coaches" imitated the shape of the stagecoach; but finally a form more adapted to the new uses was devised. The rate of progress on the first roads rose to fifteen miles an hour, — something quite beyond previous imagination. By 1850, the railroad had begun to *outrun settlement*, forging ahead into the wilderness, "to sow with towns the prairies broad," and to *create* the demand for transportation which was to feed it.

It was natural to treat the railway like any other improved road or public highway, so far as conditions would permit. Some States, at first, permitted any one to run cars over a line by paying proper tolls. But, in the absence of scientific system and of telegraphic train-dispatching, so many accidents occurred, that this plan was given up. Then roadbed and train fell to one ownership. It remained to decide whether that owner should be the public or a private corporation. Several States tried State ownership, as with canals (Massachusetts, Pennsylvania, Michigan, Georgia); but lines ran from State to State in such a way as to make this practically impossible. No one in that day suggested that the nation should own and operate railroads; and so these tremendously powerful forces were abandoned to private corporations.

## CHAPTER XXVI

### THE "REVOLUTION OF 1828"

THE victory of Jackson in the Nation was a result of democratic victories that unknown men had been winning in the States. It was possible only because of a recent rapid extension of manhood suffrage. At Washington's election manhood suffrage was found in none of the thirteen States. At Jefferson's election it was practiced in only Kentucky and Vermont out of the sixteen. By 1824 it was established in ten of the twenty-four commonwealths, and five others had removed all but nominal restrictions upon it.<sup>1</sup>

These reforms had been carried against vehement protest by the elder statesmen. The aged John Adams and the stalwart Webster made stubborn resistance in Massachusetts. In New York, Chancellor Kent, a great lawyer and a noble man, pleaded with the constitutional convention not to "carry desolation through all the fabric erected by our fathers," or "put forth to the world a constitution such as will merit the scorn of the wise and the tears of the patriot." In Virginia (1830), only a slight gain was made, and Marshall, Madison, and Randolph, ancient foes, joined hands to shut out 80,000 White citizens from the vote.

Extension  
of manhood  
suffrage

Against  
the will  
of the  
leaders

<sup>1</sup> Between 1792 and 1821, eleven new States had been admitted. Tennessee had an ineffective restriction on the franchise (removed in a new constitution in 1833); Ohio at first required *payment of taxes* as a qualification for voting; and Mississippi required either that or *service in the militia*. The other eight new states came in with manhood suffrage. Four of the older States also had followed in the footsteps of the progressive West: Maryland adopted manhood suffrage in 1810; Connecticut, in 1818; in 1821, Massachusetts and New York reduced their former qualifications to tax payment or militia service, and in 1826 New York removed even this restriction.

Everywhere but in the West leadership in the old party of Jefferson had fallen into the hands of aristocrats. With striking unanimity, North and South, such leaders now publicly denounced the war cry of Jackson — “Let the people rule” — as ominous of the “tyranny of mere numbers,” or queried in dismay, with that pure and noble gentleman, Judge Gaston of South Carolina, “What then is to become of our system of checks and balances?” In the



JEFFERSON'S HOME, MONTICELLO.

Federal presidency itself, Monroe and Adams had brought back the pomp and ceremonial against which Jefferson had contended.

*The election of Jackson then, even more than that of Jefferson, marks a true “revolution” in American society.*

“ Jackson-  
nian de-  
mocracy ” Again a new generation had come upon the stage — and indeed upon a new stage. The victory of Jackson was the victory of the new West over the old East; and in the East itself it was the victory of the newly awakened labor class. Everywhere it was



the victory of a new radical democracy, untrained, led by "men of the people," over the moderate democracy of Jefferson, led by trained, leisured, cultured "gentlemen." To compare the exterior of Abraham Lincoln (frontispiece), with the portrait of Jefferson on page 408 is to glimpse some of the contrast between Jeffersonian and Jacksonian democracy. Jeffersonian democracy had feared government: Jacksonian democracy was eager to use it. The old democracy had taught that the people should be governed as little as possible: the new democracy taught that the people might govern as much as they liked. More,—drunk with its victory, democracy began to insist not merely that majorities ought to be *supreme*, as the best policy, but even that majorities were always *right*: "*vox populi, vox Dei*."



THE BIRTHPLACE OF ABRAHAM LINCOLN.

The wider suffrage after 1825 brought other political changes. 1. *The franchise was used more directly.* In an increasing number of States, the governors and judges were chosen by the people instead of by the legislatures. So, too, of presidential electors: in 1800, ten States of the sixteen chose electors by legislatures; in 1828 only two of the twenty-four did so, and after that the only State to continue the practice was South Carolina.

Results  
of wider  
franchise

2. *The presidency gained power.* It was no longer filled, even in theory, by a select coterie. Jackson's friends liked to call their leader "the chosen Tribune of the people." The Nation found it easier to express its will in choosing one man than in choosing a Congress in hundreds of local units, often largely upon local issues.

3. The two matters just mentioned combined to bring out a *larger vote*. The election of 1789 was fiercely contested

in New York, but only one vote was cast for every 27 inhabitants. In 1828 that State cast a vote for every six inhabitants. Pennsylvania cast 47,000 votes in 1824, but 150,000 in 1828. In Massachusetts only one man in 19 went to the polls in 1824, but after 1828 the proportion was rarely under 1 in 8.

4. *Property qualifications for office disappeared rapidly, and test oaths were abolished* so that Jews and Catholics could hold office.

5. *The union of State and Church in Connecticut and Massachusetts was overthrown*, and the greater democracy in politics in New England brought *social changes* there. After the extension of the suffrage in Connecticut in 1818, public officers ceased to wear cockaded hats, powdered wigs, or knee-breeches and silk stockings.

Andrew Jackson dominated America for twelve years (1829–1841), for his control reached over into the administration of his successor and political heir, Van Buren. He was of Scotch-Irish descent, and his boyhood had been passed in the backwoods of North Carolina, in bare poverty. Picking up some necessary scraps of knowledge, he removed to the newer frontier of Tennessee to practice law. He was a natural leader; and his incisiveness and aggressiveness forced him to the front. In 1797 Tennessee sent him as her first Representative to Congress, — for which life at that time he seems to have been little fitted. Gallatin noticed him only for his uncouth dress and manner, — unkempt hair tied in an eel-skin cue, — and Jefferson was disgusted by the “passion” that “choked his utterance.”

Soon, however, Jackson found his place as military leader and Indian fighter; and he came back to political leadership as a more imposing figure, — the natural spokesman of Western democracy. “Old Hickory” remained spare in person, with the active and abstemious living of the frontier. His hair was now a silvered mane. His manner was marked by a stately dignity and, toward all women, by true courtliness. Beneath this exterior, he remained as pugnacious

and fearless and self-confident as ever, apt to jump to conclusions and stubborn in clinging to them. A choice bit of contemporary satire makes him say, "It has always bin my way, when I git a notion, to stick to it till it dies a natural death; and the more folks talk agin my notions, the more I stick to 'em." He was sure of his own good intentions, and, with somewhat less reason, of his good judgment. He trusted his friends (not always wisely chosen) as himself, and he was moved by an unconscious vanity



"CLAR DE KITCHEN," a contemporary cartoon, now in the Library of Congress, caricaturing Jackson's treatment of his ("kitchen") cabinet when they differed from him. The faces are portraits.

that made it easy for shrewd men to play upon him; but, withal, he had sound democratic instincts, hating monopoly and distrusting commercial greed and all appeals from it for alliance with the government, and believing devotedly in the "sovereignty of the people," a sovereign who "could do no wrong." As President he felt himself to be the embodiment of the Nation's will; and he seized a masterful control of Congress so successfully and imposingly that all Presidents since have felt themselves possessed of rightful power never claimed by Washington or Jefferson. One symbol of the



new power of the President was the growth of the veto. The preceding six Presidents together had vetoed nine bills — all on constitutional grounds; Jackson hailed twelve vetoes on the astounded Congress to control general policy, besides using freely the “pocket veto” which was permitted by the Constitution but which no former President had used.

The first and main fault of the new democracy, and of its chief, was the degradation of the civil service. Since Jefferson's election, there had been no change of party, and, until 1824, no factional contest within the dominant party. Accordingly, there had been no occasion for sweeping changes among office-holders. In 1820 Senator Crawford of Georgia had secured a “four-year tenure-of-office bill,” providing that a great number of offices should thereafter always become vacant four years after appointment. But Adams, with high-minded dignity, refused to take advantage of this legal opportunity to punish adversaries and hire supporters. Instead, he reappointed all fit officials, and made only twelve removals during his term. The law remained, however, a keen weapon for less scrupulous men. Jackson, indeed, needed no new weapon: the powers of the President under the Constitution were enough. His enemies were, to his mind, the Nation's enemies; and he was controlled by friends who brazenly proclaimed the doctrine, “To the victors belong the spoils of the enemy.”

Jackson men from distant States hastened to the Capital to attend the inauguration and press claims to appointments. Never had Washington seen such a horde of hungry politicians, and more than one historian has sharpened his pen to picture caustically “the scrambling, punch-drinking mob which invaded Washington at the inauguration, crowding and pushing into the White House, tipping over tubs of punch and buckets of ices, standing with muddy, hobnailed shoes on the damask furniture.” In the preceding forty years of the government, there had been less than two hundred *removals* from office for all causes. In his first year, Jackson made two thousand. But this was far too moderate to content the multitude. The policy of spoils

was the Nation's blunder, not merely the President's; and the Nation was to be shackled by it for more than a generation.<sup>1</sup> At the moment it resulted in widespread inefficiency and in many scandalous cases of corruption — to all of which Jackson held himself stubbornly indifferent. His successor reaped the whirlwind. In 1837 (Van Buren's first year) the collector of the New York Customs defaulted in the sum of a million dollars and, together, 64 of the 67 land officers stole a million more.

*The enlarged vote called for new political machinery.* Each party created a hierarchy of permanent committees to manage its interests. From a National Committee there radiated downward the many State Committees. From each of these branched the committees for the counties and Congressional districts of the State; and from these, the committees for the precincts in the smallest voting units.

Committee  
and conven-  
tion system

This committee system was soon interwoven with a convention system. The division into parties had made it advisable to agree upon candidates for President in advance of the campaign, — something never contemplated, as we have seen, by the Constitution. For a while this was accomplished by the Congressional caucus (page 319). But at such a caucus the members were Congressmen who had been chosen two years before, on wholly different issues. Men resented it that such uncommissioned "representatives" should presume to speak for the party on this vital matter, and the repute of "aristocratic King Caucus" had been dissipated finally in the campaign of 1824. The same causes which discredited the Congressional caucus for the Nation had also discredited legislative caucuses for nominating State officers; and New York and Pennsylvania had devised State Conventions, chosen in party gatherings in the various election districts. *This step was extended to the Nation at large in the campaign of 1832.*

<sup>1</sup> The "spoils system" came into force in some States, notably in New York, sooner than in the Nation at large.

*This complex machinery called for an immense body of workers*, — “more people,” said a competent authority twenty years ago, “than all the other political machinery in the world.” It was natural, therefore, that its development should have gone along with the appearance of the spoils system to pay the necessary recruits.

Quite as naturally the new machinery created “bosses,” to direct it. In theory, the political machinery was to represent the people’s will. In practice, among a busy, optimistic people, it was admirably fitted to fall into the hands of “professionals.” For half a century, while the system was at its worst, the average citizen (unless with an “ax to grind”) largely withdrew from all political duties, except that of voting for the names put before him. Officeholders of various grades managed the committees of the party in power; and expectants for office managed those of the other party. Such conditions gave a low tone to politics. A campaign, to the most active participants, was dangerously like a struggle for mere personal preferment. “Ward heelers” and the lowest grade of active workers, taking orders from a city boss, managed ward and precinct primaries. The professionals were often the only voters to appear; and if other citizens came, they found the chairman, judges, and printed tickets all arranged for them by the “machine.” The managers were usually unscrupulous players of the game, and, at a pinch, did not hesitate to “pack” a meeting in order to secure the election of their delegates. Arrived at State or county convention, such delegates, with disciplined obedience, put through the “slate” drawn up in advance by the bigger bosses, — who commonly had arranged all details with a nicety and precision found until recently in few lines of business.

The big boss was not always an officeholder. His profit often came in indirect ways and sometimes in corrupt ways. Corporations wishing favors or needing protection against unfair treatment were willing to pay liberally the man who could secure their will for them. Often the bosses of opposing parties in a State have had a perfect under-



standing with each other, working together behind the scenes and dividing the plunder. Corruption and special privilege have always been strictly “non-partisan.”

This “boss” system gave new importance to the President’s “patronage.” It soon became the rule for him to nominate postmasters and other Federal office-holders only on the recommendation of the congressman of the district, if he were of the President’s party, or of the “boss” who expected to become or to make a congressman. The congressman uses this control over Federal patronage to build up a personal machine, so as to insure support for his reelection. And the practice gives a powerful weapon to a strong President, who is often able to coerce reluctant congressmen into being “good” by hesitating in approving their recommendations for office.

And the  
President’s  
patronage

## CHAPTER XXVII

### "THE REIGN" OF ANDREW JACKSON, 1829-1841

JACKSON had two thirds of the electoral votes, — every one south of the Potomac and west of the Appalachians, together with those of Pennsylvania and New York.<sup>1</sup> The question for his opponents was whether the alliance of West and South could be broken. Those two sections were still united against the capitalistic East by their bitterness toward the Bank and the Supreme Court; but neither Bank nor Court at this time was in "practical politics." The pressing problems concerned *protection, nullification, and the public lands.*

The *North Atlantic section* insisted on a continuance of high protection, and (under the old apportionment of 1820) it still had a powerful vote in Congress. But in the *South*, college boys formed associations to wear homespun, as a protest against the Northern manufactures; and during 1828-1829 every legislature from Virginia to Mississippi had declared for secession or nullification if the tariff policy were not radically changed. *The West*, not very insistent either way on the tariff,<sup>2</sup> was devoted to the Union, which the South threatened; but, in opposition to the East, it was even more devoted to securing a freer public land policy, to attract new settlers and to protect old settlers against tribute to Eastern speculators. This land reform was championed in Congress especially by *Thomas H. Benton*, Senator from Missouri (page 407), and the devoted follower of Jackson.

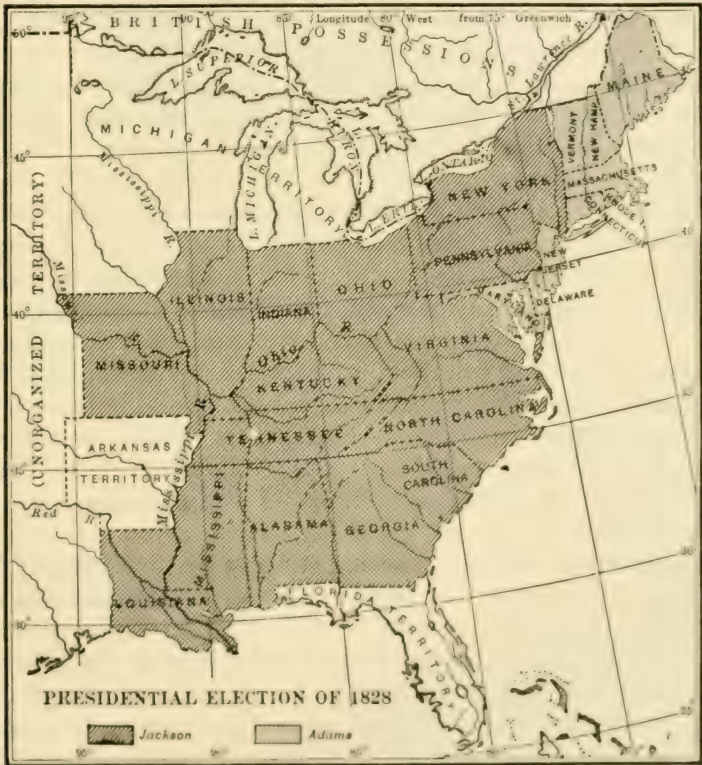
Benton,  
Calhoun,  
Webster,  
Clay

The other great leaders of the time were the trio Calhoun, Webster, and Clay, who had filled the public eye since 1816.

<sup>1</sup> These two manufacturing States the labor vote carried for Jackson.

<sup>2</sup> The tariff favored wool and some other raw products of the West.

*Calhoun*, of strict Calvinistic training, keen in logic, austere in morals, was no longer the ardent young enthusiast for nationality that he had been just before and after the War of 1812. He had reversed his stand on the tariff, to go with his section. He was the chief spokesman of the planters, and the most powerful advocate of the *right* of



nullification. He still loved the Union, but he believed it could be preserved only by making it elastic enough so that the States might nullify Federal laws.

*Webster* was a majestic intellect and a master in oratory. He, too, had reversed his stand both on the tariff and the Bank, to go with *his* section. He was the leading champion



in Congress of the manufacturing capitalists; and, from an advocate of States Rights in the War of 1812, he had become the great defender of the Union.

*Clay*, impetuous, versatile, winning, was the only one of the three who still held his old positions on leading questions. Until 1820 he had been absolutely supreme in the West. After that time he had lost influence because of his support of the Bank; and his alliance with Adams in 1824 had still further undermined his popularity. However, he remained the only leader who could at all withstand Jackson in his own section; and not even Jackson won such devoted personal enthusiasm.

The National Bank, like its predecessor of 1791, was a huge monopoly — one of the two or three greatest money monopolies in the world at that time. It had special privileges not open to other individuals or corporations. It had vast power, too, over State Banks and over the business of the country: at a word it could contract the currency in circulation by a third. The Bank had used its tremendous power for the advantage of the country in ways that Jackson could not appreciate; but at any time it *might* use its power in politics, — and Jackson felt this danger vividly.

The Bank's charter was not to expire until 1836, and Jackson's term ended in 1833; but in his first message to Congress (December, 1829) he called attention to the fact that within a few years the Bank must ask for a new charter, and asserted that "both the constitutionality and the expediency" of the institution were "questioned by a large part of our fellow citizens." Clay seized the chance to array the Bank against Jackson, and persuaded Biddle (the Bank's president) to ask Congress *at once* for a new charter. The bill passed, and Jackson vetoed it (July, 1831), declaring the Bank's control of the country's money a menace to business and to democratic government. Again, too, despite the decision of the Supreme Court in 1819 (page 415), he called the Bank charter unconstitutional.

Jackson  
and the  
Bank

Jackson's foes were jubilant. Webster and Adams both declared that the "old Indian fighter" was in his dotage; and Clay and Biddle printed and circulated 30,000 copies of the veto as a campaign document to defeat his reelection. It proved an admirable campaign document — *for* Jackson. In the election of 1832 the foremost question was Jackson or the Bank. The President was a novice in politics, but he had outplayed the politicians and selected the one issue that could keep his old following united. The West and Southwest hated the Bank and loved Jackson; the old South at least hated the Bank; and once more the workingmen of the Eastern cities declared vehemently against all monopolies. The Bank went into politics with all its resources, open and secret. In particular it made loans on easy terms to fifty members of Congress; it secured the support of the leading papers; and it paid lavish sums to political writers all over the country to attack Jackson.

And the  
campaign  
of 1832

Jackson was reelected by 219 electoral votes, to 49 for Clay, and he received a larger part of the popular vote than any President had had since Washington. For the first time, a President had appealed to the Nation over the head of Congress; and the Nation sustained him. In this campaign of 1832 the National Republicans (page 419), complaining of Jackson's attempts to dominate Congress, took the name *Whig* — which in England had long indicated opposition to royal control over parliament.

Jackson's  
reelection

Meantime the question of protection or nullification was pressing to the front. In the summer of 1828, while the South was seething with talk of secession, Calhoun had brought forward what he thought a milder remedy for the injustice of the tariff. This was his theory of nullification, presented in his famous *Exposition*.

Calhoun's  
"Exposition"

That paper argued (1) that the tariff was ruinous to the South; (2) that "protection" was unconstitutional; (3) that, in the case of an Act so injurious and unconstitutional, any State had a constitutional right peacefully to nullify the

law within her borders, until Congress should appeal to the States and be sustained by *three fourths* of them — the number necessary to amend the Constitution and therefore competent to say what was and was not constitutional.

Jackson's election in 1829 relieved this tension for a time. His first inaugural declared his wish to show "a proper respect for the *sovereign* members of our Union"; and he was supposed to dislike the existing tariff. Under these conditions, the South hoped that relief might come without its taking extreme measures. During 1828-1829, Southern leaders pressed upon Jackson unceasingly the need of securing new tariff legislation. Then, unexpectedly, the question of nullification was argued in "the great debate" on the floor of the Senate (January 19-29, 1830).

Senator Foote of Connecticut voiced the Eastern jealousy of Western growth by a resolution *to stop the sale of public lands*. The Westerners resented this attack on their development vigorously. Benton gladly seized the chance once more to set forth his plans for preëmption laws and other schemes to make easier the way for the pioneer. But soon the debate ranged far from the original matter. Senator Hayne of South Carolina denounced warmly the East's selfishness, pledged to the West the continued support of the South, and at the same time sought to draw the West to the doctrine of Calhoun's Exposition. Webster replied to Hayne's argument for nullification in two magnificent orations, stripping bare the practical absurdity of the doctrine, and portraying in vivid colors the glory of American nationalism. Webster argued that the Constitution made us a Nation. To strengthen this position, he maintained that as one nation "we the people of the United States" had made the Constitution. Here facts were against him; but this historical part of his plea was really immaterial. The vital thing was not the theory of union held by a departed generation, but the will and needs of the throbbing present. And when he argued that the United

The Foote  
Resolution

And the  
Hayne-  
Webster  
debate



States was *now* one Nation, and must so continue, he gave deathless form to a truth which, inarticulate before, had yet been growing in the consciousness of the progressive North and West. Says Professor MacDonald (*Jacksonian Democracy*, 111): "Hayne argued for a theory, which, however once widely held, had been outgrown, and which could not under any circumstances be made to work. Webster argued for a theory, which, though unhistorical in the form in which he presented it, nevertheless gave the Federal government ground on which to stand. The one . . . looked to the past, the other to the present and future. Both were statesmen; both loved their country: but Hayne would call a halt, while Webster would march on."

The Southern leaders now arranged a Jefferson Day banquet at Washington (April 13, 1830), at which the toasts were saturated with State sovereignty. Jackson, the guest of honor, startled the gathering by proposing the toast — "*Our Federal Union: it must be preserved.*" And soon he took advantage of several other opportunities to declare that he would meet nullification with force. Jackson, however, did now recommend revision and reduction of the tariff; but he failed to get what he wanted. Clay thought he could defy both Jackson and Calhoun; and the new "tariff of 1832" removed only the absurd atrocities of 1828, returning to about the basis of 1824. This merely strengthened the principle of protection, and gave no relief to the South.

The South Carolina Congressmen now called upon their people to decide "whether the rights and liberties which you received as a precious inheritance from an illustrious ancestry shall be surrendered tamely . . . or transmitted undiminished to your posterity." During the National campaign for Jackson's reelection, a strenuous State campaign in South Carolina elected a legislature which by large majorities called a State convention. Jackson, meanwhile, strengthened the Federal garrison at Fort Moultrie in Charleston harbor.

Jackson's  
toast, "Our  
Federal  
Union"

After five days of deliberation, the convention (November 19), by a vote of 136 to 26, adopted an Ordinance of Nullification, declaring the tariff laws void within South Carolina, and threatening war if the Federal government should attempt to enforce them. December 10, 1832, Jackson issued an admirable proclamation to the people of South Carolina, warning them of the peril into which they were running, and affirming his determination to enforce the laws — by the bayonet if necessary. But to Congress, a few days before, he had once more recommended further revision of the tariff. The legislature of Virginia, at the suggestion of members of the Cabinet, urged compromise. Clay felt the whole protective system endangered, and he joined hands with Calhoun to draw a tariff bill acceptable to South Carolina, — providing for a reduction of the duties in the tariff of 1832, to be made gradually, so that by 1842 no rate should exceed 20 per cent. This was a return to something lower than the practice in 1816.

On March 1, 1833, Congress passed *both this compromise tariff and a Force Bill* giving the President forces to bring rebellious South Carolina to obedience; and the President took what satisfaction he could get by signing the Force Bill a few minutes sooner than the Tariff Bill. March 11, the South Carolina convention reassembled and rescinded the nullification ordinance. Both sides claimed victory. South Carolina certainly had not yielded until she got all she had asked.

Whatever victory the President might possibly have boasted in South Carolina he weakened *by permitting Georgia to nullify a treaty* of the United States and a decision of the Supreme Court. Georgia had enacted laws regarding certain lands which United States treaties declared to be Indian lands. A missionary to the Indians disregarded these pretended laws; and a Georgia court sentenced him to imprisonment for four years at hard labor. In March, 1832, the Supreme Court of the United States declared the Georgia statute void and ordered

South  
Carolina's  
Nullification  
Ordinance

The com-  
promise on  
the tariff

South  
Carolina  
rescinds

Jackson  
and nullifi-  
cation in  
Georgia

the release of the prisoner. "Well," exclaimed Jackson, "John Marshall has made his decision. Now let him enforce it." The missionary remained in prison.

Jackson's conduct in the two cases is partly explained by the fact that in one case he hated Indians, while in the other case he hated Calhoun.<sup>1</sup> Moreover, Georgia's success humiliated only John Marshall, whom Jackson disliked: South Carolina would have humiliated the authority of the President of the United States, — who happened just then to be Andrew Jackson.

Jackson took his reelection in 1832 as a verdict from the people against the Bank. Its charter had three years still to run; but in 1833 the President insisted that The Bank the Secretary of the Treasury should thereafter again deposit government funds, as they came in, with certain "pet" State banks instead of with the National Bank. Two secretaries had to be removed before he found one willing to take this step; and the Senate, still controlled by the hold-over Whigs, passed a formal censure of the President — which his followers some months later managed to have expunged.

The "dying monster," as Jackson men called the Bank, fought savagely. Indeed it did not believe it was dying. Biddle was confident he could force a new charter through Congress over Jackson's veto. August 1, The Bank 1833, he ordered the twenty-six branch banks to creates a call in loans and reduce their bank-note circulation, so as to make "hard times," claiming of course that such contraction was necessary because of the loss of the government deposits. In the midst of a prosperous year, a short, sharp panic fol-

<sup>1</sup> Jackson had discovered that, years before, Calhoun had tried to persuade Monroe's Cabinet to have him (Jackson) censured for exceeding his military authority. Moreover, a frontiersman like Jackson was certain to sympathize with Georgia's attempts to rid her soil of the Indians. Jackson urged Congress repeatedly to remove all Indian tribes to the "Indian Territory" beyond the Mississippi. This policy was finally adopted in his second administration, giving rise to the brief "Black Hawk War" in the Northwest, and to a long-drawn-out Seminole War in the Everglades of Florida. No act, however, did more to confirm Jackson's popularity in the land-hungry and somewhat ruthless West.



lowed, manufactured heartlessly by the money power. The harvest was abundant; but the lack of the usual credit was felt cruelly in the South and West where large amounts of money were always needed at that time of year to "move" cotton and grain to Eastern markets. Interest rose from six and eight per cent to fifteen and even to twenty-four per cent; and farms and crops went for a song under the auctioneer's hammer. Delegations of business men rushed to Washington to urge Jackson to surrender.

Jackson, however, could not be moved to subordinate the nation's will to the power of a monied corporation; and soon both Congress and public opinion deserted the Bank. In 1834 Biddle gave up the struggle. The Bank applied to Pennsylvania for a charter as a State Bank, and meantime returned to its old policy in loans and circulation. *Business became normal at once.*

This grisly matter might at least have warned the nation that its credit was overinflated. The warning was ignored; and, three years later, natural causes brought on a real financial crisis like that of 1819.

The coming  
of a real  
"panic"  
in 1837

Since the War of 1812, State banks had doubled in numbers and in capital and bulk of loans without enlarging the total of gold and silver on hand. Many of them, especially in the South and West, were "wild-cat" banks, weak and recklessly managed. No State had yet learned how to guard its citizens against such abuses. Other lines of business were equally reckless. The people, especially in the South and West, bought their daily supplies "on credit" from the store; the storekeepers had bought the goods on long time from Eastern wholesalers; and these in turn had bought on credit from the factory or the foreign merchant. All this was perhaps necessary; but it encouraged extravagance. Less excusable was the universal rage to invest in land and to speculate in stocks — *on credit*, loaned largely by the unreliable State banks. And after 1834 the "pet" banks, in which the government deposited funds, felt able to loan more freely than ever before.

The orgy of building roads and canals, too, was in full swing. The West had failed to get much in the way of internal improvements from the Federal government; but, confident in its future, it was itself pushing canals and railroads into the wilderness. Often this was done wastefully; and in any case much money was "sunk" where it could pay no interest for many years. Illinois, with half a million people and a quarter of million of dollars for its yearly revenue, bonded itself for roads and canals to the amount of \$14,000,000. In 1820 State debts all together were under \$13,000,000: in 1840 they were \$200,000,000, mainly owed to European capitalists, who drew \$12,000,000 interest yearly from America.

Credit and  
overinvest-  
ment

Another government measure scattered more widely the infection of overinvestment. In 1835 the national debt was paid, and a surplus was piling up in the Treasury at the rate of \$35,000,000 a year. Taxes could not be reduced conveniently: half this income came from the tariff, and the government was pledged not to disturb that until 1842 at least; the other half came from the public lands, and the West would not listen to any suggestion for shutting down on those sales. Accordingly, the government decided to *divide this surplus among the States*. The money then found its way, as State deposits, into State banks and into the same round of speculation. To avoid constitutional scruples, this gift to the States was called a "loan without interest." Twenty-eight million dollars were distributed. Then the "panic" seized the country, and before the end of 1837 the Treasury was trying to borrow money for necessary expenses. No call was ever made upon the States for a return of the "loan."

In the final year of his administration, Jackson became alarmed at the rapid sale of public lands, paid for in paper only; and his famous "Specie Circular" ordered United States land offices thereafter to accept only gold and silver in payment for public lands (July, 1836). This was unmistakable notice to the country that the vast bulk of its currency was dubious in value, — and the crash came.

The Specie  
Circular and  
the crash

Martin Van Buren, of New York, Jackson's faithful counselor, was elected to the presidency that fall, in time to reap the whirlwind. In May, 1837, every bank in the country suspended specie payment, and great numbers closed their doors. Gold and silver went into hiding, and bank paper depreciated in fantastic and varying degrees in different parts of the country, but everywhere ruinously. Merchants failed; factories closed down; unemployed thousands faced starvation. The Labor movement was crushed out. Normal conditions were not restored for five years.

Van Buren saw his chance for a successful administration ruined by the disaster, but he met the situation with calm good sense. His message to Congress pointed out the real causes of the panic and the slow road back to prosperity. Meantime, for the government funds, he recommended an *Independent Treasury* (independent of all banks). In 1840 this plan was adopted, though for some years the Whigs fought desperately to revive their pet scheme of a National Bank. The government built itself great vaults at Washington and other leading cities; and until recently the National funds were handled solely in these, under the direction of the Treasury Department.

The two other great measures of Van Buren's four years were the ten-hour order (page 440) and a *pre-emption law*.  
The Pre-emption Act of 1841

By 1830, the sale of public lands was bringing in as much money as the tariff. The revenue was not then needed; and the well-to-do classes in the Eastern States felt that the lands ought to be sold more slowly, so as, eventually, to produce more revenue when it should be more needed (page 466). The new States stood for a different policy. They looked upon the public lands not as a source of revenue, but as a source of homes and as a means of developing the country, and were ready even to give them away, in order to encourage rapid settlement. The workingmen of the North Atlantic section threw their weight overwhelmingly into the same scale. As early as 1828, before



the West itself was fully aroused, the *Mechanics' Free Press* circulated a memorial for signature among its constituency, urging Congress to place "all the Public Lands, without the delay of sales, within reach of the people at large, by right of a title by occupancy only," since "the present state of affairs must lead to the wealth of a few," and since "all men . . . have naturally a birthright in the soil." And says Dr. Commons:—

"The organized workingmen . . . discovered that the reason why their wages did not rise and why their strikes were ineffective was because escape from the crowded cities of the East was shut off by *land speculation*. In their conventions and papers, therefore, they demanded that the public lands should no more be treated as a source of revenue to relieve taxpayers, but *as an instrument of social reform to raise the wages of labor*. And when we, in later years, refer to our wide domain and our great natural resources as reasons for high wages in this country, it is well to remember that *access to these resources was secured only by agitation and by act of legislation*. Not merely as a gift of nature, but *mainly as a demand of democracy*, have the nation's resources contributed to the elevation of labor."

For a while in the thirties, the West urged that each State should be *given* all the public domain within its borders. To steal the Democratic thunder, and to head off this plan, which would have destroyed all uniformity in dealing with public lands and wiped out a powerful bond of National union, Clay advocated that all *proceeds* of public-land sales *should be distributed among the States* in proportion to their Congressional representation. His first bills failed, but, with the return of prosperity in 1841, he carried a law with three features: (1) it divided among the States (for a limited time) 90 per cent of the proceeds of the land sales; (2) it inaugurated the policy, since maintained, of giving to each new State<sup>1</sup> a liberal amount of lands to form a State fund

<sup>1</sup> Similar grants were provided also for those of the older States which had not already had a liberal control over the lands within their borders. This grant was in addition to the *customary grant of school lands*, and followed out the principle of the original grant to Ohio for internal improvements.

for internal improvements; (3) it contained the famous provision (championed by Benton for twenty years) which gave to the whole law its name The Preëmption Act.

Until this time, settlers had pushed on ahead of land-office sales, *as squatters*. Later would come a public sale, wherein the land office put up each "forty" *at auction*. Speculators with Eastern money attended, eager to get choice pieces. A *settler* was sometimes outbid (losing the results of his labor upon the land and of his foresight in selecting it) or was compelled to pay much more than the minimum price of \$1.25 an acre — at which the frontier community felt he was entitled to get his land. The preëmption law provided simple means by which the settler might "file upon" a piece of land in advance of the regular sale, and so "pre-empt" the privilege of retaining it by paying the *minimum price* when the sale came on.

Even before this law, its purpose had been commonly secured by "*Settlers' Associations*." With the frontier instinct  
 "Settlers' Association" for rough justice even at the expense of legal forms, the settlers had learned to band themselves together to maintain "squatters' rights" at these government sales. The procedure was sometimes dramatic. The Association "Captain" sat on the rude platform beside the auctioneer, — a list of settlers' claims in hand and revolver in belt, with his stalwart associates, armed, in the company about. When a piece was put up on which a squatter had made improvements, the "Captain" spoke the word "Settled," — which was notice to outsiders that the settler must be permitted to bid it in at the minimum price without competition.

An incident of such a sale in Illinois in the thirties has been described to the writer by an eye-witness who stood, a boy, on the outskirts of the little crowd. The "Captain" was John Campbell, a black-browed Presbyterian Scot, standing six feet four. In one case an Eastern bidder failed to hear, or to respect, the gruff "Settled," and made a higher bid. With a bound from the platform, Campbell seized the

offender by the waist, lifted him into the air, hurled him to the ground, and, foot on the prostrate form and cocked revolver in hand, asked significantly, — "Did we hear you speak?" Protestations of misunderstanding and earnest disclaimers followed from the frightened man. Bending forward, Campbell set him, none too gently, on his feet, admonished him solemnly, "See that it doesn't happen again"; and returned, in unruffled dignity, to the platform, where the government official had been quietly waiting. The land was then knocked down to the squatter at the minimum price, and the sale proceeded decorously, to general satisfaction.

The campaign of 1840 marks the final disappearance from American politics of all avowed belief in aristocracy. The two parties rivaled each other in proclaiming devo- Election  
tion to the will of the people; and the Whigs won of 1840 because their clamor was the loudest and because the Democrats were discredited by the panic of '37.

The Whig candidate was William Henry Harrison, the victor of Tippecanoe. An opponent referred to him contemptuously as a rude frontiersman fit only to live in a log cabin and drink hard cider. The Whigs turned this slur into effective ammunition. They had no official platform, and their candidate for Vice President, Tyler, was a Statesrights Democrat who happened to be hostile to Van Buren. But they swept the country in a "Hurrah Boys" campaign for "Tippecanoe and Tyler, too," — the chief features being immense mass meetings in the country and torchlight processions in the cities, with both sorts of entertainment centering round log cabins and barrels of cider.

Harrison carried twenty States, to six for the Democrats, and his party secured a working majority in both Houses of Congress; but the new President died within a Tyler's  
month of the inauguration, and Tyler opposed his vetoes  
veto to the Whig measures. Two bills to restore a United States Bank (in place of the Independent Treasury) fell in



this way in August and September of 1841. Whig papers raised a bitter cry of "Judas Iscariot"; and every member of the Cabinet resigned except Daniel Webster. In like manner the veto killed two bills for an extreme protective tariff, but a third and more moderate measure received the President's approval. The compromise of 1832, which had just taken full effect, was at once undone. The panic of 1837 had depleted the treasury; and, aided by the cry for revenue, the protective "Tariff of 1842" was enacted, raising the rates to about the level of 1832.

The Whigs certainly had a "mandate" from the country for the change. "Protection" was the one *principle* that they had stood for in the campaign. Curiously enough, the ground on which they had demanded "protection" was altogether new. The old demand (1816-1832) had been aristocratic — in the interest of wealth. "Protect the manufacturers," it said, "*because* they have to pay such high wages." The new demand, formulated by Horace Greeley and advocated by him with religious fervor in his *New York Tribune*, stood for social and democratic reform — in the interest of the workers. "Protect manufactures," it said, "*in order that* the workmen may continue to get high wages." Greeley continued to preach this doctrine for more than thirty years; and during all that time his paper was the most influential publication in America. Almost at once, however, the contest over slavery drew public attention away from other problems; and this new argument for protective tariffs was not duly sifted until a much later time.

Tariff history, down to the Civil War, is conveniently disposed of here in a few words. The Democrats came back to power at the next election, and enacted the "*Walker revenue tariff*" of 1846. Imports such as coffees and teas and other articles of common use, *not produced in the United States*, were taxed very high, while manufactures *previously protected* (iron, wool, etc.)

Tariff of  
1842

"Protection" for  
high wages

Other  
tariffs  
to 1862

were taxed only thirty per cent. The measure was called a free-trade tariff, but it afforded a moderate degree of protection, besides nearly doubling the revenue. In 1857 rates were reduced materially for a time, to a real "tariff for revenue" basis.

Webster kept his unpleasant position as Secretary of State under Tyler in order to complete an important negotiation with England. Soon after the settlement of the dispute regarding the St. Croix River (page 325), another difference of opinion had arisen regarding the northern boundary of Maine farther to the west. England claimed one line, and the United States another, from different interpretations of the words of the Treaty of 1783. The King of the Netherlands, to whom as arbitrator the contention was submitted, exceeded his province by drawing a *compromise line without reference to the merits of the question*; and the United States refused to accept the award. In 1842 the question was settled by the Webster-Ashburton Treaty, which gave each country about half the disputed territory.

No story of this period can afford to ignore a striking episode in the struggle for democracy within Rhode Island. In that state in the latter part of the colonial period, the franchise had become the narrowest perhaps, in any colony. No man could vote *unless he owned real estate worth \$13 $\frac{1}{4}$* , or unless he were the oldest son of such a man. Moreover, the smallest town had as much weight in the legislature as the capital city — which contained about a third of the whole population. For sixty years after the Revolution, these abuses continued. The people had long clamored for reform, but the close oligarchy paid no attention to the cry. In 1841, unable to get action through the oligarchic legislature, a People's party arranged, *without legislative approval*, for the election of a constitutional convention by manhood suffrage. The great mass of the citizens took part in choosing the convention; and its new constitution was duly ratified by a popular vote. Then the people chose

Webster-  
Ashburton  
Treaty

Dorr's  
Rebellion

their leader in this revolution, Thomas Wilson Dorr, for governor under the new constitution. The old "charter government" refused to surrender possession of the government, and was supported by President Tyler, with the promise of Federal troops. The revolutionary government then vanished, and Dorr was tried for treason, and condemned to imprisonment for life at hard labor. The democratic uprising is known as Dorr's Rebellion.

The oligarchic "charter government" saw, however, that it must give way, but it sought, successfully, to save something from the wreck. It called a constitutional convention, while hundreds of democratic leaders were in jail under martial law sentences; and though its new constitution (1842) provided for manhood suffrage for native Americans, the landed qualification for naturalized citizens was maintained (until 1882), along with the "rotten borough" basis for the upper House of the legislature, and with the appointment of *local* officers by that House. The first legislature of the new government set Dorr free by special act, — not by the usual form of pardon; but this martyr to the cause of constitutional freedom died some years later from disease contracted in his unwholesome prison life.



## PART IX—SLAVERY

### CHAPTER XXVIII

#### SLAVERY TO 1844

IN 1844 the Slave Power began to demand more territory ; and, for the next twenty years, slavery was the dominant question in American politics. This chapter is an introduction to that story.

The Revolution, with its emphasis upon human rights, created the first antislavery movement.<sup>1</sup> This movement lasted until about 1820, though it spent its greatest force before 1800. It was moral and religious, rather than political, belonging to the South quite as much as to the North ; and it was considerate of the slaveholder's difficulties. On their part, the slaveholders during this period (outside Georgia and South Carolina) *apologized for slavery* as an evil they would be glad to get rid of *safely*.

Slavery  
before 1820  
on the  
defensive

Slavery seemed dying. Vermont's constitution of 1777 abolished slavery, as did that of Massachusetts, indirectly, in 1780 (page 215) and that of New Hampshire in 1783. By law, Pennsylvania decreed freedom for all children born to slave parents in her territory after 1780 ; and this sort of *gradual emancipation* was adopted in Connecticut and Rhode Island in 1784, in New York in 1799, and in New Jersey in 1804.

Gradual  
emanci-  
pation

After 1804, no slave could be born north of Mason and Dixon's line ; but nearly all the "free States" continued to contain slaves born before "gradual emancipation" began.

<sup>1</sup> So, too, Revolutionary France abolished slavery in her West Indies in 1794, as did the Spanish-American States, without exception, as they won their independence after 1815.

The census of 1830 showed some 2700 in the North; and as late as 1850 New Jersey counted 236. So, too, all the States of the Old Northwest, except Michigan, contained some slaves in 1840, — survivors of those owned by the original French settlers. The antislavery provision in the Northwest Ordinance was interpreted, *in practice*, not to free existing slaves, but merely to forbid the introduction of new ones.

In the Southern States, too, many leaders urged gradual emancipation *with provision for removing the Negroes*. This sentiment created the *American Colonization Society*, which established the Negro Republic of Liberia on the African coast as a home for ex-slaves. The Society proved unable, however, to send Negroes to Africa as rapidly as they were born in America.

If slavery was to die, two things were essential: new slaves must not be imported from abroad, and slavery must not spread into new territory.

Between 1776 and 1781, *the foreign slave trade was prohibited* by every State except South Carolina and Georgia.

**Foreign slave trade** In deference to the demand of these two States, the Constitution permitted the importation of slaves for a limited time (page 287); but as soon as the twenty-year period had expired, the trade was prohibited by Congress. Still the trade lived and grew.

From 1807, England had kept a naval patrol on the African coast to intercept "slavers," who were regarded as pirates by most European nations. Unhappily, England's invitations to the United States to join in this good work, in 1817 and 1824, were rejected by our Government. The War of 1812 had made Americans exceedingly sensitive regarding the "right of search," and we now refused to permit an English ship to search a vessel flying the American flag, even to ascertain whether that flag covered an American ship. Consequently our flag was used by slavers of all nations (especially, it must be confessed, of our own), engaged in the horrible and lucrative business of stealing Negroes in Africa to sell in Brazil or Cuba, or, after running

our ineffective patrol, in the cities of South Carolina, where little disguise was made of the defiance of the Federal law. In 1842, in the Ashburton Treaty, the United States joined England in an agreement to keep a *joint squadron* off the coast of Africa to suppress the trade; but we did not take our proper share in this work until after the opening of the Civil War. Between 1850 and 1860, the trade grew rapidly, and hundreds of thousands of Negroes fresh from the African jungle were auctioned off in Southern markets.

Slavery had "followed the flag" as settlement expanded, except for the region protected, none too perfectly, by the Northwest Ordinance. Congress vacillated. It established slavery in the District of Columbia, and reënacted the slave code of Virginia and Maryland for that District. Accordingly, under the shadow of the Capitol, a strange Negro might be arrested and advertised on the *suspicion* of being an escaped slave; and if no owner appeared to prove that suspicion, *he might still be sold into slavery* to satisfy the jailer's fees. And for the Nation at large Congress passed the infamous Fugitive Slave Act of 1793; but it resisted many attempts by the people of Indiana and Illinois to secure the repeal of the antislavery provision of the Northwest Ordinance. None the less the government winked at *erosion* of that provision. Thousands of slaves were brought into the two Territories *under forms of indenture or of "labor contracts"*; and Territorial "Black laws" were enacted to sanction this disguised slavery. "To all intents and purposes," says Professor McMaster, "slavery was as much a domestic institution of Illinois in 1820 as of Kentucky."

Slavery  
in the  
District of  
Columbia

And in the  
Northwest

The ten years from the Missouri Compromise to the election of Jackson (1820-1829) form a transition period. Slavery was still defended as an evil, but as an evil inevitable and permanent. Its defenders still stood on the defensive, but they were less apologetic in tone.

The second  
period.  
1820-1829

This new attitude was due to a moneyed interest. Slavery



was growing more profitable. The increased efficiency of slave labor because of the cotton gin raised the value of a field hand from \$200 in 1790 to \$1000 in 1840. The Border States, where slavery had never been particularly profitable, found that they could raise and sell slaves at high prices to more Southern communities. Moreover, the admission of Louisiana as a slave State, together with the extension of slavery into the rest of the Southwest, made its overthrow seem less possible.

The struggle over the Missouri Compromise was the first great indication of this changing attitude. The measure was distinctly Southern. It won Missouri and Arkansas to slavery ; *and this extension was favored by Clay, Madison, and the aged Jefferson!* Not a Southern congressman voted for a "free Missouri"; while only fifteen Northerners voted against the restriction on slavery — and only three of these secured reelection.

These ten years of transition bring us to the third and final period. By 1830 the Slave Power had become aggressive. It advocated slavery thereafter as a good, economic and moral, for both slave and master, and as the only corner stone for the highest type of civilization. In consequence, the Negro was represented as animal rather than human, and wholly unfit for freedom. Calhoun devoted the remaining years of his life to advocating these views.

By 1830, too, slavery had taken on somewhat darker phases than were common in the earlier period. In Virginia and the Border States it continued, on the whole, humane and semi-patriarchal, except for the distressing sale of parts of a slave family. But the plantation type of slavery, formerly characteristic mainly of Carolina or Georgia rice swamps, had now been extended over vast cotton areas in all the "Lower South." Even in that district, of course, the house servants were petted and gently cared for, as a rule; and often between masters and slaves there was warm affection. On most plantations, too, where

the owner's family resided, master and mistress felt a high sense of duty to their helpless "charges," even of the field-hand class. *But the majority of plantations were managed by overseers*, drawn from the lower strata of the Whites, brutalized by irresponsible and despotic power, and forced to be hard taskmasters by the system under which they lived. The overseer's reputation as a valuable man depended solely upon the number of bales of cotton he could turn out; and he was tempted increasingly to drive harder and more mercilessly. State laws forbade murdering a slave at the whipping-post; but a loop-hole was usually provided by some clause pronouncing the owner or overseer guiltless if a slave "died" as the result of only "moderate correction." In any case, a Negro's testimony could not be taken against a White man, and often the merciless overseer was the only White present at his crimes.

It was the general belief, too, that the Negro would work only under the lash or the fear of it; and it was a common thing for the overseer to furnish long whips to the "drivers" (chosen usually from the more brutal slaves), who stalked up and down between the rows of workers. In the extreme South, it was not unheard of for a master himself to avow the economic policy of working to death his gang of slaves every seven years or so, in favor of a new supply. In general, however, critical observers had to confess that the same motives which secure reasonable treatment for a teamster's horses kept the slave in good condition.

Among the worst direct evils of the system was the ruin to family life. The better sort of Whites tried to keep slave families together; but legislation did not compel this decency, and, in practice, the division of families was exceedingly common. Indeed, the southern branches of the Protestant churches, by formal resolution, recognized the separate sale of a husband or wife as a true "divorce," and permitted "remarriage" on such ground. In consequence of this condition, sex relations remained horribly degraded and confused.

On the other hand, the South pointed to the pitiful con-

dition of the mass of White labor in Northern factories, and argued eagerly that the slave was no worse off. Said *DeBow's Review*, the leading Southern periodical, — "Where a man is compelled to labor at the will of another, and to give him much the greater portion of the product of his labor, there Slavery exists; and it is immaterial by what sort of compulsion the will of the laborer be subdued. It is what no human being would do without some sort of compulsion — if not blows, then torture to his will by fear of starvation for himself or his family."

The new aggressive attitude of the Slave Power was caused in some degree by the appearance of new aggressive  
 The Abolitionists antislavery workers, known as *Abolitionists*, who cried out for *immediate and complete* destruction of slavery. For some years before 1830, *Benjamin Lundy* had published at Baltimore *The Genius of Universal Emancipation*, devoted to this teaching. In 1828 Lundy found a greater disciple in one of his assistant printers, *William Lloyd Garrison*. Young, poor, friendless, in 1831 Garrison began in Boston the publication of the *Liberator*; and the first number (printed on paper secured with difficulty on credit, and set up wholly by Garrison's own hand) carried at its head a declaration of war: —

"Let Southern oppressors tremble . . . I shall strenuously contend for immediate enfranchisement . . . I will be as harsh as truth and as uncompromising as justice . . . I do not wish to think, or speak, or write, with moderation . . . I am in earnest — I will not equivocate — I will not retreat a single inch — AND I WILL BE HEARD."

To the end, this remained the keynote of the Garrisonian Abolitionists. They sought to arouse the moral sense of the North against slavery as a wrong to human nature. For long years their vehemence made them social outcasts, even when they were not in danger of physical violence. Among the group were Wendell Phillips, a youth of high social position and opportunity, who forsook his career to become the hated and despised orator of the Abolition cause;



Whittier, the gentle Quaker poet, whose verse rang like a bugle call; Theodore Parker, a Unitarian minister of Boston, "the terrible pastor of Abolition"; and, at a later time, James Russell Lowell, whose scathing satire in the *Biglow Papers* struck most effective blows for freedom, and whose established position helped to make Abolitionism "respectable."

Of this body of agitators, Garrison remained the most extreme. He could see no part of the slaveholder's side, and he dealt only in stern denunciation of all opponents — and even of moderate supporters. He and his group had no *direct* influence upon political action against slavery. Many of them disclaimed desire for any such influence. Garrison once burned in public a copy of the Constitution, defaming it as "a Covenant with Death and an agreement with Hell"; and the only political action advocated by him for Northern men was secession by the free States. So, too, Lowell's "Hosea Biglow" exclaims: —

"Ef I'd *my* way, I hed ruther  
 We should go to work an' part, —  
 They take one way, we take t'other, —  
 Guess it wouldn't break *my* heart.  
*Men* hed ought to put asunder  
 Them that God has nowadays jined;  
 An' I shouldn't gretly wonder  
 Ef there's thousands of my mind."

William  
 Lloyd  
 Garrison

A more moderate group of Abolitionists contained such men as William Ellery Channing, James Freeman Clarke, Thomas Wentworth Higginson, and Samuel J. May (Unitarian ministers), Emerson, Longfellow, Gerrit Smith, William Jay, and the aged Gallatin. For Channing's logical but temperate indictment of slavery, Garrison, however, had only abuse. In return, Emerson at first condemned the Garrisonian extremists with unaccustomed harshness; but later he said that "they might be wrong-headed, but they were wrong-headed *in the right direction*."

The "mod-  
 erate" Abo-  
 litionists

Other foes of slavery, like Lincoln, rejected the name Abolitionist, altogether, and declared that the Garrisonian

group harmed more than they helped. Garrison and his friends did rouse bitter antagonism and make their opponents more aggressive: *but they achieved their purpose by being "heard."* The nation would have been glad to forget the wrongs of slavery: these men made that impossible — sometimes by exaggerating and misrepresenting those wrongs — and they trusted to the moral sense of the people to do the rest. They made slavery a topic of discussion at every Northern fireside, — and slavery could not stand discussion.

A slaveholding community lives always over a sleeping volcano. The unspoken dread of all southern Whites was a possible slave insurrection, with its unimaginable horrors. Earlier in the century, two plots had been discovered, by fortunate accidents, just in time to avert terrible disaster. Then, in 1831, came Nat Turner's rising. Turner was a Negro preacher and slave in Virginia. The plot so far miscarried that only a handful of slaves took part; but sixty Whites, including several children, were ferociously massacred, and, before order was restored, a hundred Negroes (five times the number in the rising) were shot, hanged, tortured, or burned. The South was thrown into a frenzy of terror and rage. Excited opinion charged that the rising was due directly to inflammatory articles in Garrison's *Liberator*. Southern States enacted stricter laws against the education and freedom of movement of slaves, and even of free Negroes, and the *legislature of Georgia offered a reward of \$5000 to any kidnaper who should bring Garrison to that State for trial* under her laws against inciting servile insurrection.

*The Slave Power now attacked the rights of White men.* After 1831 the former freedom of discussion about slavery vanished south of Mason and Dixon's line. Anti-slavery societies dissolved; antislavery meetings could no longer find halls or audiences; anti-slavery publications were forced out. In many cases these ends were secured by mob violence. In 1835

Nat  
Turner's  
Insurrection

The Slave  
Power at-  
tacks the  
rights of  
White men

James G. Birney, a Kentuckian who had long worked valiantly against slavery in Alabama and in his native State, was driven to move his antislavery paper across the Ohio to Cincinnati. Even there, his office was sacked, and his life sought, by a bloodthirsty proslavery mob, largely from Kentucky, while respectable Cincinnati citizens merely advised him to seek safety in silence.

This was in 1836. The year before, a Boston mob, "in broadcloth and silk hats," had broken up one of Garrison's meetings, gutted his printing office, and dragged Garrison himself through the streets by a rope around his body — until he was rescued and protected by the mayor *by being jailed!* And in Alton, Illinois, the year after (1837), mobs twice sacked the office of Elijah Lovejoy, an Abolitionist editor, and finally murdered Lovejoy when he tried to defend his property from a third assault.

A free press was the particular object of attack; and for many years practically every Abolitionist paper in cities large or small ran danger of such destruction. Scores of cases might be given. In the little frontier village of St. Cloud, Minnesota, a pro-slavery mob sacked the printing office of Mrs. Jane G. Swisshelm, and threw her press into the Mississippi. There was this difference in the matter, however, between North and South. In the South, discussion was absolutely strangled. In the North, Lovejoy was the only martyr to suffer death; and resolute men and women found it possible to continue the discussion, and eventually to win a hearing. At St. Cloud, a mass meeting, excited not in behalf of Abolitionism, but by the attack upon free speech, promptly subscribed money to replace the press, — no small thing in a petty frontier village of workingmen. By contrast, respectable people and large property interests showed a curious cowardice in these conflicts. Alton, in a measure, was dependent upon trade from the Missouri side of the Mississippi. Cincinnati's prosperity, in like fashion, was supposed to depend upon Kentucky trade. In both towns the cry arose that antislavery publi-

Attacks  
upon a  
free press



cations alienated the Slave State visitors and customers, and "hurt business"; and, before this direful threat, mayors, ministers, bankers, and every newspaper in both cities were whipped into submission, quite in the fashion of later times.

Mob attacks upon free speech were ominous to all men who really cared for their own rights, and they summoned to the antislavery cause many who had never been moved by wrong to the Negro; but still more significant were demands by the South that the National government and the Northern States should *by law* stifle discussion.

In 1835, in response to vehement appeals from Southern legislatures, President Jackson recommended Congress to pass laws that would exclude "incendiary publications" from the mails. "But," cried antislavery men — and many others never before so counted — "*Who is to judge what is incendiary? On such a charge, the Bible or the Constitution might be excluded.*" After a sharp struggle, the bill failed to pass, but there followed an even more arrogant attempt to destroy the ancient right of petition. Since 1820, petitions had poured upon Congress in ever increasing bulk for the abolition of slavery in the District of Columbia. In the ordinary course, such a petition was referred to an appropriate committee, and if ever reported upon, it was rejected. But in 1836, the sensitive Southern

members secured a "gag resolution" which each new Congress for eight years incorporated in its standing rules, — so that all petitions concerning slavery should be "laid on the table" *without being discussed or printed or read.*

The Slave Power thought exultantly that it had choked off discussion. Instead, it had merely identified the antislavery movement with a traditional right of the English-speaking people. The "Old Man Eloquent," John Quincy Adams, now Representative from a Massachusetts district and formerly indifferent to slavery, crowned his long public life with its chief glory by standing forth as the unconquerable champion of the

right of petition, — which, he insisted, meant that his constituents and others had not merely the right to send petitions to the Congressional waste-paper basket, but the right to have their petitions read and considered. Tireless, skillful, indomitable, unruffled by tirades of abuse, quick to take advantage of all parliamentary openings, Adams wore out his opponents and roused the country; and in 1844 the gag rule was abandoned.

Thus while Garrisonian Abolitionists were trying to persuade the North that slavery was a moral wrong to the Negro, the folly of the Slave Power called into being a new Abolitionist party which thought of slavery first and foremost as dangerous to Northern rights. This party went into politics to *limit* slavery by all constitutional means in the hope of sometime *ending* it. The “political Abolitionists” were strongest in the Middle and North Central States; and among their leading representatives were *Birney* and the young Democratic lawyer, *Salmon P. Chase*. Says Professor Hart, the biographer of the latter:—

Rise of  
political  
Abolition-  
ists

“Like thousands of other antislavery men . . . Chase was aroused, not by the wrongs of the slave, but by the dangers to free White men. He did not hear the cries of the Covington whipping post across the river [the Ohio], but he could not mistake the shouts of the mob which destroyed Birney’s property and sought his life; and his earliest act as an antislavery man was to stand for the everyday right of a fellow resident of Cincinnati to express his mind.”

## CHAPTER XXIX

### SLAVERY AND EXPANSION

IN 1825 Mexico became independent of Spain (page 407) and decreed gradual emancipation of all slaves. In 1835

Texas wins  
independ-  
ence

Santa Anna made himself dictator of the country. *Texas* was one of the States of Mexico. Its settlers were mainly from the Southwestern States of our Union. They held slaves, and until Santa Anna's usurpation, they had had a large amount of self-government. Fearing the loss of these political rights and perhaps also the ruin of slavery, they now seceded from Mexico, *organized an independent state*, and chose for their president "Sam" Houston, a famous Indian fighter and an old friend of Andrew Jackson.

In March of 1836, a Mexican army "invaded" Texas, and routed several small forces that ventured to stand against them. One body of 183 Texans in the *Alamo* (a fortified Mission) held out gallantly for thirteen days — which so incensed Santa Anna that he massacred every prisoner. April 21, the Mexicans met the main body of Texan frontiersmen under Houston at *San Jacinto*. The Texans charged six times their number with the vengeful cry, "Remember the Alamo," and won a complete victory. The independence of Texas was promptly recognized by the United States. Mexico, however, did not give up her claims.

The Texans hoped to be annexed to the United States. Indeed, many of them had gone to the country years before with that express plan — as other Americans still earlier had gone into West Florida. War between the United States and the proud and sensitive Mexicans would almost certainly follow ; but our *South*, too,

The ques-  
tion of  
annexation



clamored for the annexation. Texas was an immense territory, and was expected to make at least five slave States. The *West*, also, was eager for more territory, and had few scruples against fighting Mexico to get it; but in the *North-west* there was some opposition to extending the area of slavery, and *New England* opposed annexation fiercely.

In 1844 President Tyler negotiated with Texas an annexation treaty, but the Whig Senate rejected it by a decisive vote. Shortly before, John Quincy Adams and twenty-one other Northern members of Congress had united in a letter to their constituents advising New England to secede from the Union if Tyler's "nefarious" scheme went through. The Massachusetts legislature responded with resolutions declaring their State "determined . . . to submit to *undelegated* powers in no body of men on earth" [an echo of the Kentucky Resolutions of 1799], and asserting that the movement to annex Texas, "unless arrested on the threshold, may tend to drive these States into a dissolution of the Union." On the other side, "fire-eating" Southerners were shouting, "Texas or disunion!" The Slave Power now raised the cry that England would get Texas if we did not, and it played artfully on the sentiment for expansion. Calhoun warned the slave States of the Southwest that England was trying to persuade Texas to abolish slavery; and the Northwest was won over by the shrewd device of combining with the demand for Texas a demand for "all of Oregon."

And the  
demand for  
Oregon

Oregon was a vast territory bounded then by the 42d parallel on the South (page 406) and by the line of 54° 40' on the North (page 409). The agreement with England for "joint occupation" was still in force (page 407); but of late thousands of emigrants had been setting forth from Missouri with the boast that they would secure and hold the country for the United States. Twice England had proposed a division of the region; but the plan had been rejected by our government.

In the spring of 1844, Clay and Van Buren were the leading candidates for the Whig and Democratic nominations

for the presidency. On April 20 they each gave out a public letter on political issues, and both advised against agitation for expansion. The country exclaimed that the two leaders were trying in secret conjunction to say what the people should not do. The Whigs, with some hesitation, submitted, and nominated Clay. The Democrats revolted. Three Southern States that had instructed delegates for Van Buren called new conventions and revoked the instructions. The Democratic National Convention nominated James K. Polk, and the platform declared for "the *Reoccupation* of Oregon and the *Reannexation* of Texas." In the Northwest, Democratic stump orators at once added the slogan "Fifty-four forty or fight." This war cry was sounded jubilantly in every Democratic meeting in the campaign. Some Western leaders did not hesitate to promise that their party would also get California and Canada for the United States, and hinted even at Mexico and Central America.

The political Abolitionists, under the name of the *Liberty party*, nominated Birney, and drew enough antislavery votes from the Whigs in New York to give that close State, and the election, to Polk. Tyler and Congress accepted this result as a verdict for annexation; and on the last day of the old administration a "joint resolution" of the two Houses of Congress made Texas one of the States of the Union (March 3, 1845). Texas, however, never consented to be divided, and so the Slave Power gained less in the Senate than it had planned.

Polk's inaugural indicated the intention to take all of Oregon, even at the cost of war with England. Such Western supporters as Stephen A. Douglas of Illinois and Lewis Cass of Michigan seemed ready for that result. Calhoun and other Southern leaders, however, feared that war with England might end in loss of Texas; Webster, powerful in the Senate, stood for compromise, as did also some enthusiastic Western expansionists like Benton; England renewed her sensible offer to divide Oregon, by extending the boundary line of the 49th parallel (already

The campaign of 1844

Texas annexed

The Oregon compromise

adopted east of the mountains) through the disputed district to the Pacific; and a treaty to this effect was ratified by our Senate. The dividing line was practically identical with the Northern watershed of the Columbia; and it gave us all that we could claim on the basis of "occupation," leaving to England that half of the district which Englishmen had "occupied." The Northwest, however, complained bitterly that its interests had been betrayed by the President, and that he had surrendered to England's power in order the better to prey on Mexico's weakness.

Polk wanted California also, to which we had no claim whatever. He tried to buy, but could not bully Mexico into selling the coveted district. But other means War with Mexico remained.

Texas extended without question to the Nueces River. Not content with that southern boundary, she *claimed* to the Rio Grande — on grounds at least questionable. For the United States to back up this claim was to make war with Mexico certain. General Zachary Taylor, in command of American troops in Texas, was ordered to move to the Rio Grande, where his position threatened a Mexican city across the river. The Mexicans demanded a withdrawal. Taylor refused, was attacked, won a victory, and crossed the river. Polk announced to Congress (May 11, 1846), "War exists, and, *notwithstanding all our efforts to avoid it*, exists by the act of Mexico!" Congress accepted the pretext and adopted the war.

Abolitionists again talked secession. But, outside New England, the unjust war was popular. It was waged brilliantly. General Taylor invaded from the north, and General Winfield Scott advanced from the Gulf. The Mexicans were both brave and subtle; but American armies won amazing victories over larger entrenched forces, and the contest closed with the spectacular storming of the fortified heights of Chapultepec and the capture of the City of Mexico (September 15, 1847).

At the outbreak of the war American troops had been dispatched to seize California and New Mexico (territory



which included, besides the modern States of those names, most of the present Arizona, Nevada, Utah, and parts of Colorado and Wyoming). In the treaty of peace, after ceding Texas as far as the Rio Grande, Mexico was forced to accept \$15,000,000 for this other territory. Members of the President's Cabinet wanted to take all of Mexico; Buchanan, Secretary of State, publicly declared, "Destiny beckons us to hold and civilize Mexico"; and the press boasted confidently that the American flag in the City of Mexico would never be hauled down. But Polk wisely insisted upon a more moderate policy, and took (and paid for) only what he had offered to buy before he began the war. (Cf. map after page 370.)

A misunderstanding soon arose as to some forty-five thousand square miles of the "Mexican cession," just south of the Gila; and Mexico threatened to fight again rather than surrender her claim. Finally, in 1853, the United States secured full title by paying ten million dollars more, through our agent, Gadsden. This *Gadsden Purchase* was the last expansion of our territory before the overthrow of slavery; but it was not the last attempt by the Slave Power. Southern politicians had long looked with covetous desire at Cuba. Polk offered Spain a hundred million dollars for the island, but was refused. Then about 1854, Southern leaders were ready for a more extreme program, and began frankly to advocate the seizure of Cuba by force. This piratical doctrine was set forth with particular emphasis in that year in the famous *Ostend Manifesto*, a document published in Europe by a group of leading American diplomatic representatives there, with James Buchanan among them. When Buchanan became President (1857), he renewed the attempts to buy Cuba and to secure slave territory in Central America. These sinister efforts ceased only when the Civil War began.

And unscrupulous and violent as this policy was, it had a backing in popular sentiment that was not wholly base, as was illustrated in 1851 by the Lopez "filibusters," five hundred strong, who sailed from New Orleans to invade

Cuba. Whatever the motives of the statesmen at Washington, the filibusters themselves and the Southern people back of them were impelled largely by the ancient land hunger and spirit of conquest and adventure which had brought their ancestors to Virginia and had sent their brothers to Texas.

## CHAPTER XXX

### THE STRUGGLE TO CONTROL THE NEW TERRITORY

*Population* increased in the decade 1840–1850 from seventeen to twenty-three millions. Immigration from Europe now took on large proportions. Until 1845, no one year had brought 100,000 immigrants (page 394). That year brought 114,000; 1847 (during the Irish famine) brought 235,000; and 1849 (after the European “year of revolution”<sup>1</sup>) brought almost 300,000. This tremendous current, once started, continued unabated to the Civil War. It still came almost wholly from the northern European countries, and was composed mainly of sturdy laboring men, who naturally avoided the South with its slave labor.

Florida became a State in 1845; but Slavery’s gain in the Senate through the addition of that State and of Texas was balanced by the admission of Iowa (1846) and Wisconsin (1848). In the lower House of Congress the free States had nearly a half more members than the Slave States. *This situation gave especial importance to the question whether slavery or freedom should control the new territory acquired from Mexico.* All that territory, except Texas, had been “free” territory under Mexican law. But in the Northwest were looming up a band of future “free” commonwealths, from Minnesota to Oregon, while outside this Mexican cession there was no chance for more Slave States.

As soon as war began, the President had asked Congress for a grant of two million dollars to enable him to negotiate to advantage. It was understood that this money was to be used as a first payment in satisfying Mexico for territory to be taken from her. To this “Two-

The Wilmot  
Proviso

<sup>1</sup> The German fugitives, after the failure of their gallant attempt at revolution, made a notable addition to the forces of Liberty in America. Among them were Carl Schurz and Franz Sigel.



Million Dollar Bill" in the House of Representatives, David Wilmot, a Pennsylvania Democrat, secured an amendment providing that *slavery should never exist in any territory* (outside Texas) *to be so acquired*. Northwestern Democrats voted almost solidly for this "Wilmot Proviso," partly from real reluctance to see slavery extended, partly to punish Polk and the Slave Power for "betraying" the Northwest in the Oregon matter.

The session expired (August, 1846) before a vote was reached in the Senate. In the next session the Proviso again passed the lower House, but was voted down in the Senate, where the Slave Power had now rallied. Then (February, 1848) Calhoun presented the Southern program in a set of resolutions affirming that, since the territories were the *common* domain of all the States, Congress had no constitutional power to forbid the people of any part of the Union, *with their property*, from seeking homes in that domain. This meant, of course, the right of Southerners to carry their slaves — *and slave law* — into any "Territory." Then, said the South, when the time for Statehood arrives, let the inhabitants of each Territory decide the matter of slavery or freedom for themselves.

Calhoun's  
doctrine:  
Squatter  
Sovereignty

This was the doctrine to be known later as "*squatter sovereignty*" or "popular sovereignty." It appealed shrewdly to a liking for fair play, in claiming that the South "simply asked not to be denied equal rights . . . in the *common* public domain." Even more powerfully it appealed to the democratic instincts of the West, claiming merely to turn the whole question over to the people most interested — although, as Abraham Lincoln was soon to point out, it failed to consult the slaves — the people *most* interested.

Some Northern congressmen now deserted the Wilmot Proviso in favor of "non-intervention by Congress," while others favored extending the old line of the Missouri Compromise to the Pacific. Finally, the country went into the presidential election of 1848 without having settled any civil government for the vast area

The election  
of 1848

recently acquired. This neglect was serious. New Mexico and California were seats of ancient Spanish settlement at such centers as Santa Fé and the various Missions near San Francisco; and the sensitive and highly civilized population resented military government by the American conquerors. Moreover, in January, 1848, just before the cession by Mexico, gold was discovered in California at Sutter's Fort (now Sacramento). Then followed a vast and varied immigration, which needed imperatively a settled government.

The Whigs, who had won their one success with General Harrison, now repeated their tactics of 1840. They adopted no platform whatever, and nominated Zachary Taylor, of Louisiana, a slaveholder, a straightforward soldier, and the hero of the war. The Democratic platform evaded all mention of slavery and of the burning Territorial question; but the presidential candidate was Lewis Cass of Michigan, *the originator of the "popular sovereignty" plan for Territories.*

The antislavery Democrats had hoped to nominate Van Buren, who for a time had the strongest vote in the Convention.<sup>1</sup> An antislavery faction of New York Democrats ("Barnburners"<sup>2</sup>) finally seceded from the Convention and did place Van Buren in nomination. A few weeks later, he was nominated also by a new *Free Soil party*, which had absorbed the *Liberty party*. The Free Soilers recognized frankly that Congress could not interfere with slavery in the *States*, but they insisted on its prohibition in the *Territories*, with the cry, "*Free Speech, Free Labor, Free Soil, and Free Men.*" They cast 300,000 votes (five times as many as the Liberty party four years before). In most of the country,

<sup>1</sup> Democratic National Conventions long used a "two-thirds rule," in making nominations. Other parties nominated by a majority vote.

<sup>2</sup> This name, derived from a campaign story of a Dutchman who burned his barn to get rid of the rats, was applied in derision, because the faction avowed a willingness to ruin its party rather than permit slavery in the Territories. The "regular" faction of the Democratic party in New York became known as *Old Hunkers*. Party epithets were growing bitter. Cass and other Northern men who showed subserviency to the Slave Power were coming to be derided as "Doughfaces."

they drew mainly from the Whigs; but in New York their Barnburner allies drew from Cass just enough to give that State (and the election) to the Whigs.

Meantime, California, lacking even a Territorial government, grew to the stature of Statehood. Thousands of "Forty-niners," from all quarters of the globe (but mainly from the Northern States of the Union), rushed to the rich gold fields: some around Cape Horn by ship; some by way of the Isthmus; but more by wagon train across the Plains, defying Indians and the more terrible Desert, along trails marked chiefly by the bleaching skeletons of their forerunners. And on the Pacific coast itself, whenever rumor reported that some prospector had "struck it rich," distant camps and towns were depopulated to swell the roaring new settlement, — toward which, over mountain paths, streamed multitudes of reckless men, laden with spade, pickax, and camp utensils. In a few months, the mining region contained some eighty thousand adventurers. To maintain rude order and restrain rampant crime, the better spirits among the settlers adopted regulations and organized *Vigilance Committees* to enforce them, with power of life and death.

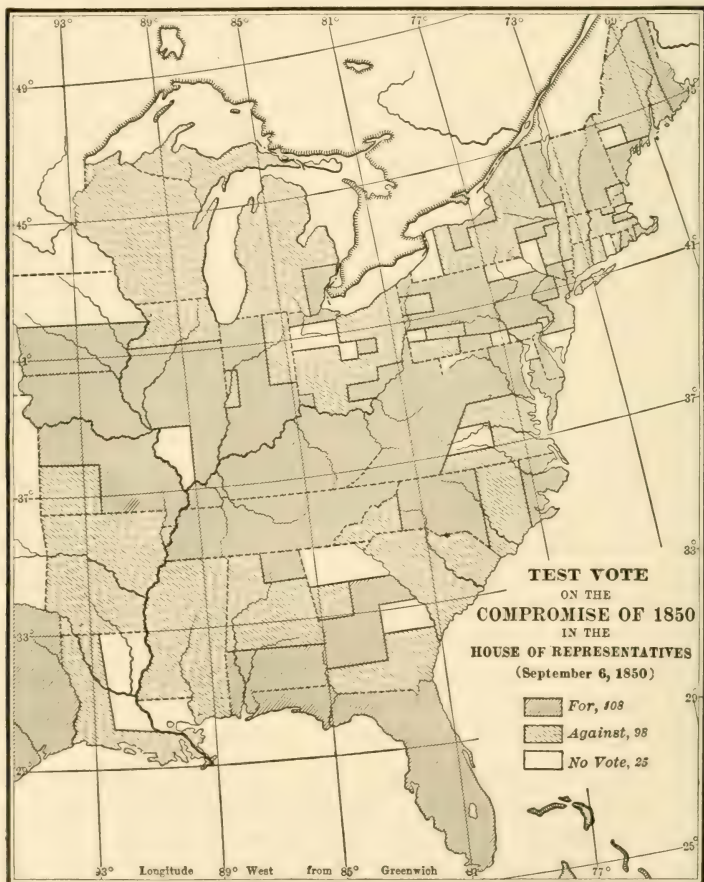
On taking office, President Taylor at once advised New Mexico and California to organize their own State governments and apply for admission to the Union. The Californians acted promptly on this suggestion, and (November, 1849) a convention *unanimously* adopted a "free State" constitution. Taylor sought to keep faith, and urged Congress to admit the new State. The Slave Power raged at seeing the richest fruits of the Mexican War slipping from its grasp. The country was aflame. Every Northern legislature but one passed resolutions declaring that Congress ought to shut out slavery from *all* the new territory. In the South, public meetings and legislatures urged secession if such action were taken. Said Toombs of Georgia in Congress, "I . . . avow . . . in the presence of the living God, that if . . . you seek to drive us from California, . . . I am for disunion."

California  
and the  
Vigilantes



Taylor died suddenly in July, 1850, to be succeeded by Fillmore from the vice-presidency. This gave a breathing spell, and Clay came forward once more with a compromise, aiming to reconcile the South to the loss of California by giving them their will on other disputed points. Proud of his title of "the Great Pacificator," he pled for "a union of hearts" between

Clay's  
"Compro-  
mise of  
1850"



North and South through mutual concession: otherwise, he feared there was little chance for the survival of the political Union which he loved.

Clay's "Omnibus" measures were supported by the new President, and finally passed in separate bills after a strenuous eight months' debate. They provided for: (1) the admission of the "free" California; (2) Territorial organization of New Mexico and Utah on "squatter-sovereignty" principles; (3) prohibition of the slave trade in the District of Columbia; and (4) a new and more effective Fugitive Slave Law, with all the abominations of the old one. This was the "*Compromise of 1850*," — the last compromise on slavery. Many Southern Representatives voted No, in order that the measure, if passed, should be passed by Northern votes.

*It was Webster who really secured the passage of the compromise.* He had bitterly opposed the annexation of Texas and the war; but now he urged that the North owed concession to the weaker South. Moreover, slave labor, he was sure, could never be profitable in sterile New Mexico. It was already excluded "by the law of nature." He "would not take pains to reenact the will of God." To-day the historical student is inclined to say that this "Seventh of March" speech was dictated by deep love for the Union. Webster never had been optimistic in temperament. Now an old man, he did not venture to hope that there could ever be a better Union, while he even began to despair of the existing one unless the South was pacified. At the moment, however, the antislavery men of the North felt that he played a traitor's part to the cause of liberty, in order to secure Southern support for the presidency. The finest expression of this antislavery wrath is in the stern condemnation of Whittier's *Ichabod*: —

Webster's  
"Seventh  
of March"  
speech

"From those great eyes  
The soul has fled.  
When faith is lost, when honor dies,  
The man is dead.  
Then, pay the reverence of old days  
To his dead fame.  
Walk backward, with averted gaze,  
And hide the shame."

And Emerson wrote with barbed insight: "Mr. Webster, perhaps, is only following the laws of his blood and constitution. . . . He is a man who lives by his memory: a man of the past; not a man of faith and hope. *All the drops of his blood have eyes that look downward.*" And says Rhodes (*History*, I, 153) of Webster's advocacy of the Fugitive Slave Law: "Webster could see 'an ordinance of nature' and 'the will of God' written on the mountains and plateaus of New Mexico; but he failed to see . . . the will of God implanted in the hearts of freemen."

Calhoun, dying and despairing, opposed the compromise as insufficient. If the North wished to preserve the Union, he urged, it must concede some kind of *political equilibrium* between itself and the weaker South. His papers show that he meant to propose an amendment to the Constitution providing for two Presidents, one from each section, with a mutual veto. But like his great rivals, Clay and Webster, he passed from political life in this debate.

More significant than the attitude of these statesmen of a passing day was the appearance of a new group of antislavery men, led by William H. Seward of New York. Like Calhoun, Seward opposed the compromise, but for opposite reasons. He insisted that peace between the sections could come only with the extinction of slavery. As to the Territories, said he: "The Constitution devotes the Domain to . . . liberty. . . . But there is a *higher law* than the Constitution, which devotes it to the same noble purpose." For the moment, Webster and Clay prevailed. But the "Higher-Law" speech was to exert more lasting influence than the speech of "the Seventh of March."

Calhoun's  
dissatis-  
faction

Seward's  
"Higher  
Law"



## CHAPTER XXXI

### THE BREAKDOWN OF COMPROMISE

It has been fitly said that the Union was maintained from 1789 to 1820 *by the compromises in the Constitution*, and from 1820 to 1861 *by Congressional compromises*.

Political leaders and the mass of the people were desperately anxious to convince themselves that the Compromise of 1850 was final. Any further discussion of slavery was severely reprobated by many Northern men. But, exclaimed James Russell Lowell, "To tell us that we ought not to agitate the question of slavery, when it is that which is forever agitating us, is like telling a man with the ague to stop shaking and he will be cured." *The Fugitive Slave law kept men thinking about slavery.* That law was the great mistake of the Slave Power. Had the South been content to lose the few slaves who escaped into free States,<sup>1</sup> the compromise might have endured years longer. In his "Higher Law" speech, Seward had warned the South: "You are entitled to no more stringent laws, and such laws would be useless. The cause of the inefficiency of the present statute is not at all the leniency of its provisions: it is the public sentiment of the North. . . . Your Constitution and laws convert *hospitality* to the refugee . . . *into a crime*; but all mankind except you esteem that hospitality a virtue." And Emerson called the law "a law which every one of you will break on the earliest occasion — a law which no man can obey, or abet, without loss of self-respect and forfeiture of the name of gentleman."

The Fugitive  
Slave law  
ruins the  
Compromise

The law could be applied to Negroes who had been living for years in the North in supposed safety — since the break-

<sup>1</sup> From 1830 to 1860 the number averaged not more than 1000 a year. A small insurance would have protected the owners.

down of the law of 1793. Thousands now abandoned their homes for hurried flight to Canada; and some were actually seized by slave hunters. More attempts to recapture fugitive slaves took place in 1851 than in all our

### PROCLAMATION!!

TO ALL

## THE GOOD PEOPLE OF MASSACHUSETTS!

Be it known that there are now

### THREE SLAVE-HUNTERS OR KIDNAPPERS

IN BOSTON

Looking for their prey. One of them is called

"DAVIS."

He is an unusually ill-looking fellow, about five feet eight inches high, wide-shouldered. He has a big mouth, black hair, and a good deal of dirty bushy hair on the lower part of his face. He has a Roman nose; one of his eyes has been knocked out. He looks like a Pirate, and knows how to be a Stealer of Men.

The next is called

EDWARD BARRETT.

He is about five feet six inches high, thin and lank, is apparently about thirty years old. His nose turns up a little. He has a long mouth, long thin ears, and dark eyes. His hair is dark, and he has a bunch of fur on his chin. . . . He wears his shirt collar turned down, and has a black string—not of hemp—about his neck.

The third ruffian is named

ROBERT M. BACON, *alias* JOHN D. BACON.

He is about fifty years old, five feet and a half high. He has a red, intemperate-looking face, and a retreating forehead. His hair is dark, and a little gray. He wears a black coat, mixed pants, and a purplish vest. He looks sleepy, and yet malicious.

Given at Boston, this 4th day of April, in the year of our Lord, 1851, and of the Independence of the United States the eighty-fourth.

*God save the Commonwealth of Massachusetts!*

AN ANTISLAVERY HANDBILL OF 1851, parodying advertisements for escaped slaves.  
From Rhodes, I, 212.

history before. But now every seizure caused a tumult —  
Personal- if not a riot. Even "proslavery" men in the  
liberty laws North could not stand for the hunting of slaves  
at their own doors. Legislatures refused to United States

officials the use of State jails, forbade State officers to aid in executing the law, and enacted various "*personal-liberty laws*," to secure to any man seized as an escaped slave those rights of jury trial and legal privilege which the Federal law denied him. Some of these State laws amounted to downright Nullification.<sup>1</sup> The "Underground Railroad"<sup>2</sup> was extended. In several cases, fugitives were rescued from the officers in full day by "mobs" of such high-minded gentlemen as Thomas Wentworth Higginson, Samuel J. May, and Gerrit Smith. These men sometimes avowed their deed in the public press, and challenged prosecution; and all attempts to punish broke down, because no jury would convict. When a slave was returned, the recapture usually proved to have cost the master more than the man could be sold for.

Still, in the campaign of 1852, the platforms of both the leading parties indorsed the "Compromise" emphatically,<sup>3</sup> with express reference also to the Fugitive Slave provision; and when Charles Sumner in the Senate moved the repeal of that law, he found only three votes to support him. In the presidential election, too, the Free Soil vote ("Free Democracy," now) fell off a half; and General Scott, the Whig candidate, who was believed to be more liberal than his platform, was easily defeated by Franklin Pierce, who gave the Compromise his hearty support.

One feature of the election of 1852 was the prominence of a new political party which called itself the American party,

<sup>1</sup> The Wisconsin legislative resolutions of 1839 used the words of the old Kentucky Resolutions of 1799.

<sup>2</sup> An arrangement among Abolitionists in the Border States for concealing fugitives and forwarding them to Canada. The system had its "stations," "junctions," "conductors," and so on.

<sup>3</sup> The tendency among respectable classes at the North to cling to the Compromise was especially notable in the Eastern colleges, — where there were many students from the South. Andrew D. White says that in the Yale of the early fifties (when he was a student there), "the great majority of older professors spoke at public meetings in favor of proslavery compromises," though, "except for a few theological doctrinaires," their personal sympathies were against slavery. The two great Yale professors of the day who opposed the Fugitive Slave law, he adds, were generally condemned for "hurting Yale," and driving away Southern students.



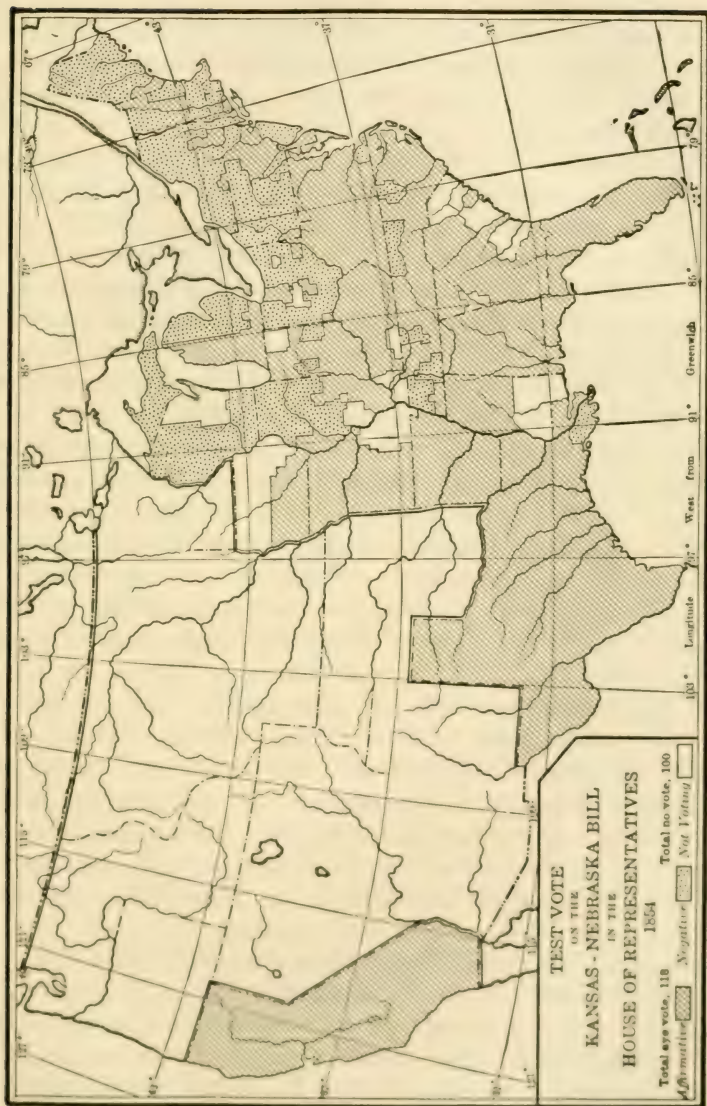
but which is better known by the appellation of *Know-nothings*. From the time of the Philadelphia Convention, bitter attempts had been made now and again to limit the political influence of foreign immigrants. To this "native" prejudice there was added, after the Irish immigration of the late forties, a silly fear of "Catholic" domination. The new party was a secret society, with intricate ramifications and elaborate hierarchy. Its purpose was to exclude from office all but native-born and all not in sympathy with this program; but members below the highest grade of officials were pledged to passive obedience to orders, and were instructed, when questioned as to party secrets, to reply, "I know nothing." The movement was bigoted in character and un-American in methods; but it gained considerable strength in eastern and southern States, and elected several congressmen. In part, the movement drew its strength from the desire to ignore slavery and find new issues.

What slim chance there was that the North might quiet down under the iniquity of the Fugitive Slave law was now finally dissipated by another audacious measure in the interests of slavery. The vast region from Missouri and Iowa to the Rockies was known as the Platte country. Immigrants to California were pouring across it; and at the assembling of Congress in December, 1853, Stephen A. Douglas of Illinois, chairman of the Senate Committee on Territories, strove to secure a Territorial organization for the region. But his Kansas-Nebraska bill proposed that two new Territories there should be placed on the squatter-sovereignty basis as to slavery.

Douglas and President Pierce put forward the surprising claim that the Compromise of 1850 *implied* this form of organization for all Territories thereafter formed. But *this* district was part of the Old Louisiana Purchase, solemnly guaranteed to freedom by the Compromise of 1820. The Compromise of 1850 had ap-

The Kansas-  
Nebraska  
Bill, 1853-  
1854

Repeals the  
Compromise  
of 1820



plied only to territory just acquired from Mexico: no one had dreamed then that it was to repeal the Missouri Compromise for *old* territory. The Southern congressmen had not asked such a thing; but now, after a gasp of astonishment, they seized their chance.

Most Northerners looked upon the move as a wanton violation of a sacred pledge; but the bill carried by a close vote, — in the House, 113 to 100. Douglas tried to make the bill a party measure; but it ended as a sectional measure. Half the Northern Democrats voted against it — though all the President's power of patronage was used to whip them into line — *and the other half, almost to a man, lost their seats at the next election.* All Southern congressmen but nine, Whigs or Democrats, voted for it.

Now the struggle for "Bleeding Kansas" was transferred to the country at large. From Missouri thousands of armed slave-owners poured across the line to preëempt "Bleeding Kansas" land — which, however, few of them made any pretense of really settling. From the North, especially from distant New England, came thousands of true settlers, financed often by the "Emigrant Aid Society," and armed with the new breech-loading Sharpe's rifle, to save Kansas for freedom. In like fashion, far-off Georgia sent her contingent of the "Sons of the South" religiously dedicated to the cause of slavery. But once more slavery proved its weakness. In spite of the neighborhood of slave territory, it was not easy to move slave plantations to a new State, especially to one not particularly adapted to slave labor; and the free-State settlers soon predominated in numbers.

The first Territorial legislature was carried by "Border Ruffians" from across the Missouri line. A preliminary "census" had shown only 2905 voters in the Territory. On the evening before the election day, "an unkempt, sun-dried, blatant, picturesque mob of five thousand Missourians, with guns on their shoulders, revolvers stuffing their belts, bowie knives protruding from their boot-tops, and generous rations of whisky in their wagons," drove madly across the



border, seized all but one of the polling places, and swamped the "free-State" vote. The proslavery legislature, so elected, unseated the few "free-State" members, and passed stringent laws to protect slavery. The free-State settlers tried to disregard this fraudulent government (January, 1856), and it was denounced also by the honest and fearless governor, Andrew H. Reeder, who had been appointed as a strong proslavery man. But President Pierce removed Reeder and supported the proslavery legislature with United States troops. Actual war followed in Kansas between rival proslavery and free-State "governments," and bloody murders were committed both by raiders from Missouri and by free-State fanatics like John Brown.<sup>1</sup>

In the debate on the Nebraska bill, Sumner had declared that it "annuls all past compromises, and makes future compromises impossible. *It puts freedom and slavery face to face, and bids them grapple.*" And said Emerson: "*The Fugitive law did much to unglue the eyes; and now the Nebraska bill leaves us staring.*"

That rash measure had coalized the discordant antislavery elements throughout the country into one political party. "*Anti-Nebraska men*" (Free Soilers, Northern Whigs, Northern Democrats opposed to Douglas' measure) *drew together under the name Republican.* Birth of the Republican Party This party took from the Free Soilers the program of prohibiting slavery in all "Territories." It adopted from the Whigs, who rallied to it in large numbers, their broad-construction views. And it recognized its Democratic element by nominating as its first candidate for President a young officer belonging to that party, John C. Fremont. The name *Republican* was designed to indicate the purpose of going back to the true democracy of Jefferson's original "Republican" party.

The first Republican National Convention (1856) con-

<sup>1</sup> Brown was quite ready to take life, or to give his own, in fighting "the sum of all villainies," but he must not be confounded with "ordinary criminals." His killings represented a blind revolt of the moral sense against an unrighteous system. They were somewhat similar to the crimes by maddened enthusiasts in the cause of social reform.

tained representatives from all the free States and from Maryland, Delaware, and Kentucky. The platform asserted that under the Constitution neither Congress nor any Territorial legislature had authority to establish slavery in a Territory, urged a railway across the continent, and pledged liberal aid to commerce by river and harbor improvement. Despite the sweeping statement regarding slavery *in the Territories*, the party, down to the War, affirmed steadfastly that Congress had no right to interfere with the institution *in the States*; and its leaders reviled Abolitionists almost as violently as the Southerners did.

In the election, Fremont carried all the Northern States but four. The Know-nothings carried Maryland. *The election of 1856* *Democrats elected their candidate, James Buchanan, by 174 electoral votes to 114.* The Republicans, however, *in this first contest*, mustered 1,300,000 votes, to 1,800,000 for the Democrats.

And then (March, 1857) came the *Dred Scott decision*, in which the Supreme Court declared that both North and South were trying to stand upon unconstitutional ground — with a difference. *The Dred Scott decision* Dred Scott was the slave of an army officer. In 1834 his owner had taken him to an army post in Illinois, and, later, to one in what is now Minnesota; and then back to Missouri. Slavery could not legally exist in Illinois, because of the Northwest Ordinance, or in Minnesota, because of the Missouri Compromise; and, some years later, Scott sued for his freedom on the ground that he became free legally when he resided in that free territory.

The case finally reached the Supreme Court. That august body held that Scott was still a slave and had no standing in court;<sup>1</sup> and two thirds of the Court<sup>2</sup> concurred in the further and uncalled-for opinion of the Chief Justice (Roger B. Taney) that neither Congress nor Territorial legislature could legally forbid slavery in a Territory. The Constitution, said the

<sup>1</sup> Scott was at once freed by his owner.

<sup>2</sup> Justices Curtis and McLean presented powerful dissenting opinions.

Court, sanctioned property in slaves, and every citizen of the Union must have his property protected in any part of the common national domain. Only a State could abolish slavery.

This was a sweeping adoption of Calhoun's contention, and the precise reverse of Republican doctrine. According to this dictum, the restriction upon slavery in the Missouri Compromise had *always* been void in law, even before repealed by the Nebraska Act. Quite as clearly, *the opinion denied the "popular sovereignty" idea*. But in exchange for this ground which it was told to surrender, the South was offered still more advanced and impregnable proslavery ground, while the Republican party was branded as seeking an end wholly unconstitutional and illegitimate by any means. It must surrender, or defy the Court — "that part of our government on which all the rest hinges."

Without hesitation, the Republican leaders defied the Court. Said Seward in the Senate: "The Supreme Court *attempts* to command the people of the United States to accept the principle that one man can own other men; and that they must guarantee the inviolability of that false and pernicious property. The people . . . never can, and they never will, accept principles *so unconstitutional* and abhorrent. . . . *We shall reorganize the Court*, and thus reform its political sentiments and practices, and bring them into harmony with the Constitution and *the laws of nature*." Lincoln, in public debate, even accused the Court of *entering into a plot* with Pierce, Douglas, and Buchanan. Other Northerners foresaw Civil War. James Russell Lowell, on hearing of the Court's decision, wrote to Charles Eliot Norton, in Italy: "I think it will do good. It makes slavery national, as far as the Supreme Court can. So now the lists are open, and *we shall soon see where the stouter lance shafts are grown, North or South*." More temperately, but quite as decidedly, the influential *Springfield Republican* said: "In this country, *the court of last resort is the people*. They will discuss and review the action of the Supreme

The "Court  
of last  
resort"



Court, and, if it presents itself as a practical issue, *they will vote against it.*"

The congressional elections of the next year showed great Republican gains. The campaign was made famous by a series of joint debates in Illinois between

The  
Lincoln-  
Douglas  
debates

Douglas (the "Little Giant") and Abraham Lincoln, candidates for the Senate. Lincoln was defeated, but he attained his deliberate purpose.

His acute and persistent questions forced Douglas to choose between the new doctrine of the Supreme Court — to which the South now clung vociferously — and his own old doctrine of squatter sovereignty — which was certainly as far as Illinois would go. If he placed himself in opposition to the Supreme Court, he would not be able to secure Southern support for the presidency at the next election, to which men's eyes were already turned. If he did not oppose the Court, he would lose the Senatorship and Northern support for the presidency. In any case, the Slavery party would be robbed of its most formidable candidate in 1860. Douglas was driven to maintain that, despite the Dred Scott decision, a Territorial legislature *could* keep out slavery by "unfriendly legislation." This doctrine was at once denounced bitterly by the South.

Even more significant was the moral stand taken by Lincoln. The real issue, he declared, was the right or wrong of slavery, — not any constitutional theory: "It is the eternal struggle between these two principles — right and wrong — throughout the world. They are the two principles which have stood face to face from the beginning of time, *and which will ever continue to struggle.* The one is the common right of humanity: the other is the divine right of kings. [Slavery] is the spirit that says, 'You work and toil and earn bread, and I'll eat it.' No matter in what shape it comes, it is the same tyrannical principle."

*In 1857 the free-State men won the Kansas elections so overwhelmingly that the proslavery organization could no longer expect open support from Washington. The ex-*

piring proslavery legislature, however, still provided for a proslavery convention, which met at Lecompton (November, 1857). President Buchanan had purchased for that body the privilege of meeting in peace by promising that its work should be submitted to popular vote. This pledge was not kept. The convention arranged a "constitution with slavery" and a "constitution with no slavery," *which last, however, left in bondage the slaves then in the Territory*, and forbade the residence of free Negroes. At the promised election, the voters were permitted merely *to choose between these two constitutions*: they were given no opportunity to reject both.

The Federal government supports the Slave Power in Kansas

The free-State men kept away from the polls; and the "constitution with slavery" carried overwhelmingly, six thousand to less than six hundred. But the new free-State legislature provided for a new and proper expression of opinion. This time the proslavery men abstained from voting; and the two constitutions together received less than two hundred votes, to more than ten thousand against both of them. Still, the South and the Administration at Washington strove violently to secure the admission of the State with the "Lecompton constitution," claiming the first election as valid.

This nefarious attempt to rob the people of their will was defeated by the warm opposition of Douglas, who remained true to his doctrine of popular sovereignty. The Slave Power succeeded, however, in getting Congress to submit the Lecompton constitution for the third time to the people of Kansas, with a bribe of public lands if they would accept it. Kansas refused the bribe, 11,000 to 2000. Even then the Democratic Senate would not admit the State with its "free" constitution, and Kansas statehood had to wait till 1861. Meantime, two other free States came in, to establish Northern supremacy in the Senate, — *Minnesota* (1858) and *Oregon* (1859).

In one other vital matter at this same time the Slave Power offended the moral sense and threatened the material interest

of "free" labor. As early as 1845, Andrew Johnson of Tennessee (page 437) introduced in Congress the first "*Homestead bill*" — to *give* every homeless citizen a farm from the public lands. Several times such bills passed the House. But larger free immigration into the public domain would end all chance to set up slavery there; and the Slave Power, formerly favorable to a liberal land policy, now defeated all these bills in the Senate. This new attitude of the Slave Power helped to make the masses of the North see the fundamental opposition between free and slave labor. On the other hand, the antislavery parties appealed to Northern workingmen by their position on this matter. The Free Soilers declared in their platform of 1852, in full accord with the labor parties of twenty years before:—

"The public land of the United States *belongs to the people*, and should not be sold to individuals or granted to corporations, but *should be held as a sacred trust for the benefit of the people*, and should be granted in limited quantities, *free of cost*, to landless settlers."

In June of 1860 the House again passed a Homestead bill giving any head of a family a quarter section after five years' residence thereon. The Republican platform of the same year "demanded" the passing by the Senate of that "complete and satisfactory measure," protesting also "against any view of the free homestead policy which regards the settlers as paupers or suppliants for public bounty." This time the Senate did pass the bill. *but Buchanan vetoed it.* "The honest poor man," argued the President with gracious rhetoric, "by frugality and industry can in any part of our country acquire a competency. . . . He desires no charity. . . . This bill will go far to demoralize the people and repress this noble spirit of independence. It may introduce among us those pernicious social theories which have proved so disastrous in other countries." When the Slave Power withdrew from Congress, a Homestead bill at last became law — in May, 1862.



Two other events must be noticed, before we take up the fateful election of 1860.

1. In 1859 John Brown tried to arouse a slave insurrection in Virginia. He seems hardly to have comprehended the hideous results that would have followed a successful attempt. He planned to establish a camp in the mountains to which Negro fugitives might rally; and his little force of twenty-two men seized the arsenal at Harpers Ferry, to get arms for slave recruits. The neighboring slaves did not rise, as he had hoped they would, and he was captured after a gallant defense. Virginia gave him a fair trial; and he was convicted of murder and of treason against that commonwealth. His death made him more formidable to slavery than ever he had been living. The North in general condemned his action; but its condemnation was tempered by a note of sympathy and admiration ominous to Southern ears. Emerson declared that Brown's execution made "the scaffold glorious — like the Cross."

2. In 1852 Mrs. Harriet Beecher Stowe had written *Uncle Tom's Cabin*, one of the greatest moral forces ever contained between book covers. The volume undoubtedly misrepresented slavery, — as though exceptional incidents had been the rule; but it did its great work in making the people of the North realize that the slave was a fellow man for whom any slavery was hateful. The tremendous influence of the book, however, was not really felt for some years. The boys of fourteen who read it in 1852 were just ready to give their vote to Abraham Lincoln in 1860. This explains, too, in part, why the college youth who had been generally proslavery in 1850 left college halls vacant in 1861 to join the Northern armies.

## CHAPTER XXXII

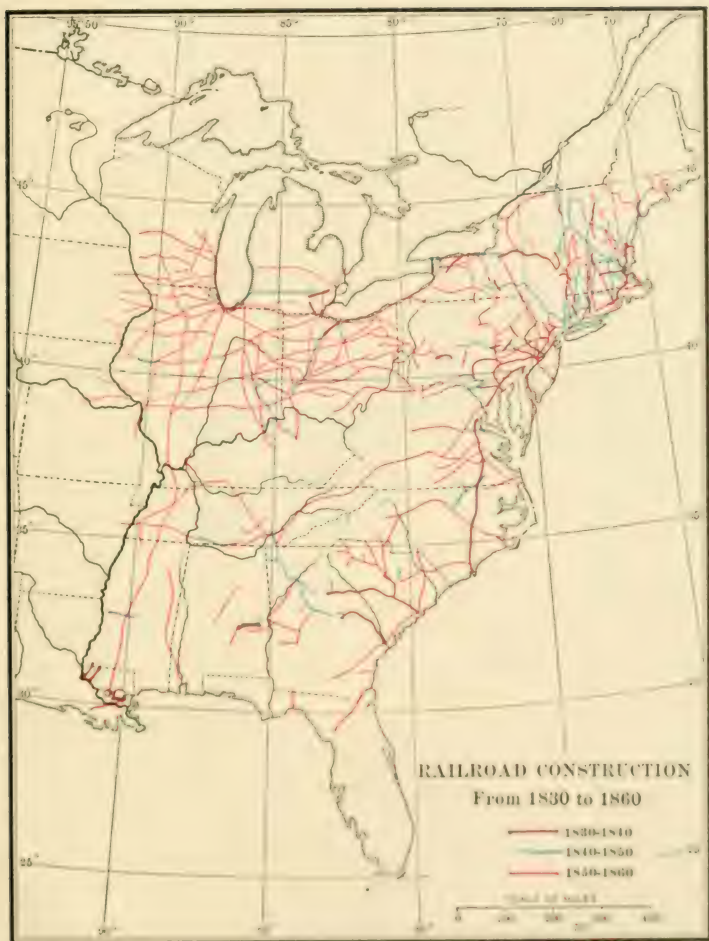
### ON THE EVE OF THE FINAL STRUGGLE

#### AMERICA IN 1860

To most men of the time these years 1845-1860 had a more engrossing aspect than was afforded by the slavery struggle. The era was one of wonderful material prosperity. Wealth increased fourfold, — for the first time in our history *faster than population*. Men were absorbed in a mad race to seize the new opportunities. They had to stop, in some degree, for the slavery discussion; but the majority looked upon that as an annoying interruption to the real business of life.

Between 1850 and 1857, *railway mileage* multiplied enormously; and in the North the map took on its modern gridiron look. Lines reached the Mississippi at ten points; and some projected themselves into the unsettled plains beyond. With the railway, or ahead of it, spread the *telegraph*. *Mail routes*, too, took advantage of rail transportation; and in 1850 postage was lowered from 5 cents for 300 miles to 3 cents for 3000 miles. With cheap and swift transportation and communication, *the era of commercial combinations began*, and great fortunes piled up beyond all previous dreams. The new money kings, railway barons, and merchant princes of the North, it was noted, joined hands with the great planters of the South in trying to stifle opposition to slavery — because all such agitation “hurt business.”

*For labor, too, the period was a golden age.* Between 1840 and 1860, wages rose twenty per cent, and prices only two per cent. Pauperism was unobtrusive, and, to foreign observers, amazingly rare. Inventions had multiplied comforts and luxuries. Pianos from Ger-







many were seen in Western villages, and French silks sometimes found their way to the counter of a cross-roads store. Western farmers moved from their old log cabins into two-story frame houses, painted white, with green blinds. That same rather bare sort of building was the common "town" house also in the West — varied, however, by an occasional more pretentious and often more ugly "mansion" of brick or stone. Artistic domestic architecture did not appear until about 1900.

New England and New York had learned the lesson of conservative banking; but in the West most banks were still managed recklessly. In 1857, accordingly, came another "panic," due, like that of 1837, to speculation, wild inflation of credit, and premature investment of borrowed capital in enterprises that could give no immediate return. This time, however, the country recovered quickly.

The twenty years preceding the Civil War saw an industrial transformation *due to the development of farm machinery*. One farm laborer in 1860 could produce more than three in 1840. Until 1850, *the dominant agricultural interest* of the United States had been the cotton and tobacco of the South. After that date, it *became the grain of the Northwest*. For that section, McCormick's reaper worked a revolution akin to that worked for the South a half-century earlier by Whitney's cotton gin.

Develop-  
ment of  
farm ma-  
chinery  
and its  
result

Until 1850, too, the more distant parts of the West, — Wisconsin, Iowa, Minnesota, Nebraska, southern Illinois, — had remained tributary commercially to New Orleans, by the river. *Now this Northwest suddenly changed front*. Farm machinery and the railway made it possible for it to feed the growing Eastern cities and even to export the surplus to Europe from Eastern ports. *And this change in trade routes was more than economic*. It completed the break in the old *political* alliance of South and West — already begun by the moral awakening on slavery — and foreshadowed a new political alliance of East and West. The merit of the Compromise of 1850 in our history is that

it put off the war until this alliance was cemented and the Northwest was, body and soul, on the side of the Union.

In yet another way *the improved reapers and threshers may be said to have won the Civil War*. Without such machinery, Northern grain fields could never have spared the men who marched with Grant and Sherman. As it was, with half its men under arms, the Northwest *increased its farm output*.



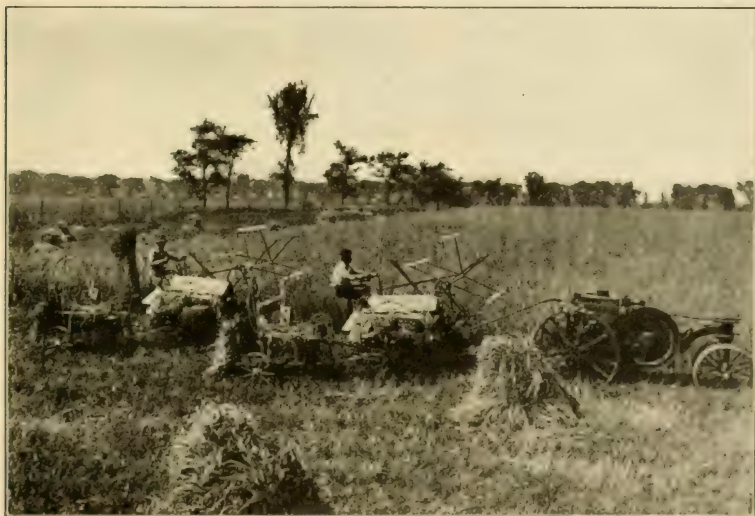
**HARVESTING IN 1831.** McCormick's first successful horse-reaper — the first improvement upon the cradle scythe. The "self-binder" was a later feature. From a photograph based upon a "reconstruction" by the International Harvester Company.

The acquisition of California had been followed by a swift expansion of trade with Asia. Hawaii had been brought under American influence previously by American missionaries and traders; and in 1844 China was persuaded to open up five "treaty ports" to American trade. Japan continued to exclude foreigners until 1854, when Commodore Perry, in pursuance of orders from Washington, entered Japanese ports with his fleet of warships and secured a commercial treaty.



After the discovery of gold in California (and with the opening of these prospects of Oriental trade) the question of transportation across the Isthmus of Panama arose. Great Britain and the United States each tried to secure routes for a canal from ocean to ocean; but in 1850 the Clayton-Bulwer treaty agreed that any canal across those narrow lands should be neutral, and

The Clayton-Bulwer treaty



**HARVESTING TO-DAY.** A Mogul Kerosene Tractor pulling two McCormick reapers and binders with mechanical shockers. The tractor is managed by the man on the front reaper. Two men take the place of six human beings in the previous cut and do many times as much work, in much greater comfort. This, of course, is a development much later than the Civil War.

subject to common control by the two countries. In 1855 a railway was opened across the Isthmus.

The ambitious project of an *American railway from the Mississippi to the Pacific* was agitated constantly after 1850; and in 1861, encouraged by prospects of a government subsidy, the Western Union carried a telegraph line across the mountains to San Francisco. Travel from St. Louis to San Francisco, by relays of armed stage coaches, took four weeks; but mail was carried in ten days by the daring riders of the "Pony Express."

Population had continued to increase at about the old rate of 100 per cent in twenty-five years, besides the added volume of immigration in the fifties. Between 1850 and 1860 our numbers had risen from twenty-three million to thirty-one and a half; and the cities (eight thousand people and upwards) counted now 158. This was four times as many as twenty years earlier; and the cities now contained one man in every six of the entire population, instead of one in twelve, as in 1840, or one in twenty, as in 1800.

The cities of 1860 were still large towns gone to seed from rapid growth. They were unplanned, ugly, filthy, poorly policed; and the larger ones were run by corrupt "rings" of politicians, who maintained their power by unblushing fraud. New York introduced a uniformed and disciplined "Metropolitan police" just before the War; and the invention of the steam fire engine, in 1853, promised somewhat better protection against the common devastating fires.

*The North* contained nineteen million of the thirty-one and a half million people of the Union, a ratio of 19 to 12; and of the twelve and a half million in the South, four million were slaves. Moreover, when the war line was finally drawn, four slave-holding States (Maryland, Delaware, Kentucky, and Missouri) remained with the North. These States contained a fourth of the "Southern" population; and the recruits which these divided districts sent to the South were about offset by recruits to the North from "West" Virginia and Eastern Tennessee. Thus, for totals, secession was to be supported by less than five and a half million Whites (with three and a half million slaves) against more than twenty-two million for the Union. The area of Secession contained one White man of military age to four in the North. The North had three fourths the railway mileage and six sevenths of the cities of the Union.

*The South too was less able to feed and clothe armies.* She furnished seven eighths of the world's raw cotton; but she

did not raise her own full supply of food, and manufactures were almost totally lacking. Minerals and water power were abundant, but unused. Said a Charleston paper to its people: "Whence come your axes, hoes, scythes? Yes, even your plows, harrows, rakes, ax and auger handles? Your furniture, carpets, calicoes, and muslins? The cradle that rocks your infant, the top your boy spins, the doll your girl caresses, the clothes your children wear, the books from which they are educated . . . all are imported into South Carolina." "The North," says Rhodes, "combined the resources of farm, shop, and factory; the South was but a farm" — and a farm which received from outside much of its bread and meat.

Even so, only half as much of the land was cultivated South as North. The value of Southern farm land, too, was less than that of similar land in the North, while the value of farm machinery to each cultivated acre was not half that in the North. Slaves could not be trusted with machinery.

That the difference was due not to climate, but to labor, is clear from the fact that it showed instantly upon crossing a State line. In 1796 George Washington noted the higher prices of land in Pennsylvania than in Maryland "though not of superior quality"; and added his opinion, on that ground, that Virginia must follow Pennsylvania's example of emancipation "at a period not far remote." Tocqueville noted the contrast *between the north and south banks of the Ohio*: thinly scattered population, with occasional gangs of indolent slaves in the few, "half-desert" fields, as over against "the busy hum of industry . . . fields rich with harvest . . . comfortable homes . . . prosperity on all sides." In 1859 Frederick Law Olmsted made a journey through the Southern States; and his acute observations (summed up in his *Cotton Kingdom*) show that the industrial retardation of the South had been steadily increasing up to the final catastrophe.

In other respects, also, slavery was avenged upon the masters. The poorer Whites were degraded by it, and the



slave-owning class were unduly passionate, imperious, and willful.

The 9,000,000 Whites of the slaveholding States composed some 1,800,000 families. One fifth of these owned slaves; but only eight or ten thousand families owned more than fifty apiece. This small aristocracy had a peculiar charm — if only the ugly substructure could be forgotten. The men were leisured and cultivated, with a natural gift for leadership and a high sense of public duty. They were courageous, honorable, generous, with easy bearing and a chivalrous courtesy. Visitors from the Old World complained that Northern men were absorbed in business cares and lacking in ease of manner; but they were always charmed by the aristocratic manners and cultivated taste of the gentry of the South.

It must be added, however, not only that the great body of small slave-owners were destitute of this charm, but that they were often uneducated. The South produced little literature of a high order (except political speeches) and little art; and it had few schools. On the other hand, Southern politics had absolutely no taint of that corruption which had appeared in the North.

Man for man, in marching and fighting, the Southerner was far more than a match for the man of the North, — especially for the man of the Eastern cities. Southern outdoor life and familiarity with firearms counted for much in the early campaigns of the war. The North had been sadly deficient in athletics and in wholesome living, and was at its lowest ebb in physical condition. (Emerson ate "pie" for breakfast regularly!) The agricultural population of the West, however, resembled the South in physical characteristics; and the men of the North, city or country, had a mechanical ability, useful in repairing or building bridges or engines, which was less apparent in the armies of the South.

## THE LAST POLITICAL STRUGGLE FOR SUPREMACY

In April, 1860, the Democratic National Convention met at Charleston, amid tense excitement over the whole country. Douglas men had a majority, but not the necessary two thirds. The Southern extremists insisted on a platform affirming the duty of Congress to defend slavery in all Territories and condemning Douglas' doctrine of possible "unfriendly legislation" as unconstitutional. The Douglas men voted this down. Then the Southern delegates withdrew. After ten days of fruitless negotiation with that seceding faction, the Convention adjourned, to meet at Baltimore in June. There the Moderates nominated Douglas. The seceders then placed in nomination John C. Breckinridge of Kentucky upon their extreme platform.

The Democratic  
Conventions  
of 1860

Meantime, conservative representatives of the old Whig and Know-nothing parties organized as the Constitutional Union party; and their Convention (May 9) nominated John Bell of Tennessee, announcing the compromise platform, "No constitutional principles except the Constitution of the country, the Union of the States, and the enforcement of the laws." This party received support from the great moneyed interests of the North and from many of the large planters of the South.

The "Union  
party"

A week later, the Republican Convention met at Chicago in a vast "wigwam," amid wild enthusiasm from thousands of spectators. At first Seward was the leading candidate; but he had many personal enemies, and the third ballot nominated Abraham Lincoln.

Republicans  
nominate  
Lincoln

Most New England Republicans were deeply grieved. They believed that, in passing by Seward, principle had been sacrificed to a mistaken idea of expediency; and they looked upon Lincoln as not only obscure, but ignorant, uncouth, and incapable. Most of his support, indeed, came from men who regarded him as "available" rather than particularly desirable. Almost no one of prominence yet dreamed of the wise, patient, steadfast, far-seeing

man, of homely grandeur, that the next years were to reveal.

With the Democratic party hopelessly divided, *Republican victory in the electoral college was almost certain*. To the South, that prospect was alarming. The Republican platform had once more reasserted that Congress had no power to interfere with slavery in the States; but in the 1858 debate with Douglas, Lincoln had said boldly and sagaciously: “‘A house divided against itself cannot stand.’ I believe this government cannot endure permanently half slave and half free. I do not expect the house to fall; but I expect it will cease to be divided. It will become all one thing or all the other.” The South saw that this speech was the real platform, — to which the Republican party would have to come. *Republican success would mean eventually a reversal of the Supreme Court* and continued progress toward Lincoln’s “nation all free,” if the nation held together at all.

The South did not shrink. Deliberately, in advance, it made preparations to break up the Union and save slavery.

North and South no longer understood each other. In the seventy years since the adoption of the Constitution, the North had moved steadily toward new intellectual and moral standards and a new system of industry: the South had remained stagnant. As a Southern writer said: “The whirl and rush of progress encompassed the South on every side. . . . Yet alone in all the world she stood unmoved by it.” The North had adopted the new Websterian views of the Constitution, in accord with modern needs: the South clung to the old, outgrown views expressed by Calhoun. The great Protestant denominations — Baptists, Methodists, Presbyterians — had already split apart into distinct churches, North and South, on the slavery issue. Southern ‘associations were forming, pledged to import manufactures from England rather than from the North. The North condemned the South as a community built upon a great sin: the South despised and reviled the North as a race of “mudsills” and cheats, and

“A House  
divided  
against  
itself”



boasted its own higher sense of honesty and honor. Unity was already gone in hearts, in industry, in religious organizations. It was going in commercial intercourse. It could not long endure, on such terms, in government.

Lincoln carried every Northern State (including California) except for three of the seven New Jersey electors. Douglas received only those three votes and the <sup>Lincoln's</sup> nine from Missouri, though his popular vote was <sup>election</sup> nearly as large as Lincoln's. Bell carried the moderate Border States, Virginia, Kentucky, and Tennessee. All the other Southern States went to Breckinridge. Lincoln had 180 electoral votes to 123 for his three competitors combined; but in the popular vote, he had only 1,857,610 out of a total of 4,645,380. The victory was narrow; and it was the victory of a divided section over a weaker but more united section.

## PART X — NATIONALISM VICTORIOUS, 1860-1876

### CHAPTER XXXIII

#### THE CALL TO ARMS

NOVEMBER 10, four days after Lincoln's election, *the legislature of South Carolina* appropriated money for arms, and called a State convention to act on the question of secession. All over the State, Palmetto banners unfurled and "liberty poles" rose. December 17, the convention met. Three days later, it unanimously "repealed" the ratification of the Federal Constitution by the State convention of 1788, and declared that "the State of South Carolina has resumed her place among the nations of the world." By February 1, like action had been taken in Georgia and the five Gulf States — *the entire southern tier of States*.

Northern writers long charged that the Southern leaders carried secession as a "conspiracy," and that they were afraid to refer the matter to a direct vote. This is absolutely wrong. Public opinion forced Jefferson Davis onward faster than he liked; and the mass of small farmers were more ardent than the aristocracy — whose large property interests tended, perhaps, to keep them conservative. For more than a year, *in the less aristocratic counties*, popular conventions, local meetings, and newspapers had been threatening secession if a President unfriendly to the Dred Scott decision should be elected; and when even the "Fire-eater" Toombs paused at the last moment to contemplate compromise, his constituents talked indignantly of presenting him with a *tin* sword. The South was vastly more united in 1861 than the colonies were in 1776. The leaders acted through conventions, not

because they feared a popular vote, but *because their political methods had remained unchanged for seventy years* and because they thought it seemly for their States to secede by the same machinery by which they had originally "acceded" to the Union.

Few Southerners questioned the right of a "sovereign State" to secede. The sole difference of opinion was whether sufficient provocation existed to make such action wise. When a State convention had voted for secession, even the previous "Union men" went with their State, conscientiously and enthusiastically. Thus, Alexander H. Stephens made a desperate struggle in Georgia for the Union, both in the State campaign and in the convention; but when the convention decided against him 208 to 69,<sup>1</sup> he cast himself devotedly into secession. He would have thought any other course treason. Allegiance, the South felt, was due primarily to one's State.

Doctrine of  
the "right"  
of secession

To understand the splendid devotion of the South to a hopeless cause during the bloody years that followed, we must understand this viewpoint. The South fought "to keep the past upon its throne"; but it believed, with every drop of its blood, that it was fighting for the sacred right of self-government, against "conquest" by tyrannical "invaders."

February 4, a convention of delegates from the seven seceding States met to form a new union — "*the Confederate States of America*." The constitution was modeled upon that of the old Union, with some new emphasis on State sovereignty. Jefferson Davis was soon chosen President of the Confederacy, and Alexander H. Stephens Vice President.

The South-  
ern Con-  
federacy

The Confederacy did not believe the North would use force against secession. Still it made vigorous preparation for possible war. As each State seceded, its citizens in

<sup>1</sup> The real test vote had come a little earlier — 165 to 130. This was the strongest Union vote in the Lower South. In Mississippi, the test stood 84 to 15; in Florida, 62 to 7; in Alabama, 61 to 39; in Louisiana, 113 to 17. In Texas the question was referred to the people, and in spite of a vigorous Union campaign by Governor Sam Houston they voted three to one for secession.



Congress and in the service of the United States resigned their offices. The small army and navy of the Union was in this way completely demoralized,—losing nearly half its officers. Each seceding State, too, seized promptly upon the Federal forts and arsenals within its limits,—sending commissioners to Washington to arrange for money compensation. In the seven seceded States, the Federal government retained only Fort Sumter in Charleston harbor and three forts on the Gulf. Federal courts ceased to be held in the seceded States, because of the resignation of judges and other officials and the absolute impossibility of securing jurors. Federal tariffs were no longer collected. Only the post office remained as a symbol of the old Union.

President Buchanan, in his message to Congress in December, declared that the Constitution gave no State the right to secede, but — a curious paradox — that it gave the government no right “to coerce a sovereign State” if it did secede. For the remaining critical three months of his term he let secession gather head as it liked. With homely wit, Seward wrote to his wife that the Message shows “conclusively that it is the President’s duty to execute the laws — unless some one opposes him; and that no State has a right to go out of the Union — unless it wants to.”

This flabby policy, moreover, was much like the attitude of the masses of the North during those same months. Even from Republican leaders resounded the cry, “Let the erring sisters go in peace.” In October, General Scott, Commander of the army, suggested to the President a division of the country into four confederacies, — *for which he outlined boundaries*. Northern papers declared “coercion” both wrong and impossible. Horace Greeley’s *New York Tribune*, for years the greatest anti-slavery organ and the chief mold of Republican opinion, expressed these views repeatedly: “We hope never to live in a republic, whereof one section is pinned to another by bayonets” (November 9); “Five millions of people . . . can

never be subdued while fighting around their own hearth-stones" (November 30); "The South has as good a right to secede from the Union as the colonies had to secede from Great Britain" (December 17); "If the Cotton States wish to form an independent nation, they have a clear moral right to do so" (February 23, 1861). Even Lowell thought the South "not worth conquering back." And Wendell Phillips asserted (April 9), "Abraham Lincoln has no right to a soldier in Fort Sumter."

The Border States urged one more try at compromise. Virginia called a *Peace Convention* which was well attended and which sat at Washington through February. This body, and many Republican leaders, proposed various amendments to the Constitution to fortify slavery and so conciliate the South: especially to provide Federal compensation for escaped slaves, and to divide the National domain, present *and future*, between slavery and freedom, along the line of the old Missouri Compromise. But the only outcome of this compromise agitation was the hasty submission to the country of an amendment prohibiting Congress from ever interfering with slavery *in the States*. As Lincoln said, this merely made *express* what was already clearly *implied* in the Constitution, and it was wholly inadequate to satisfy the South. It passed Congress with a solid Republican vote, however, and was ratified by three Northern States before war stopped the process.

Lincoln's inaugural, on March 4, was a winning answer to Southern claims and a firm declaration of policy.

[*As to the reason for secession*]: "Apprehension seems to exist among the people of the Southern States that . . . their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. . . . *I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists.*"

[*After demolishing the constitutional "right" of secession*]: "I therefore consider that, in view of the Constitution and the laws

Attempts  
at compro-  
mise

Lincoln's  
inaugural

*the Union is unbroken*; and to the extent of my ability, I shall take care . . . that the laws of the Union shall be faithfully executed in all the States. . . . In doing this *there need be no bloodshed* . . . unless it is forced upon the National authority. . . . The power confided to me *will be used to hold* . . . *the property and places belonging to the government*, and to collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force against the people anywhere."

[*Then, recognizing the right of revolution, the deplorable loss from any division of the Union is set forth*]: "Physically speaking, we cannot separate: we cannot remove our respective sections from each other, nor build an impassable wall between them. . . . Intercourse, either amicable or hostile, must continue between them. *Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before?* Can aliens make treaties easier than friends can make laws?"

"In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. . . . You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to 'preserve, protect, and defend' it."

Statesmen showered the new President with advice. Lincoln heard all patiently; but his real efforts were given  
 Abraham Lincoln to keeping in touch, not with "leaders," but with the plain people whom he so well understood. His own eyes were set unwavering upon his goal—the preservation of the Union—while with unrivaled skill, he kept his finger on the Nation's pulse, to know how fast he might move toward that end. For a time he was railed at by noisy extremists, who would have had him faster or slower; but the silent masses responded to his sympathy and answered his appeal with love and perfect trust, and enabled him to carry through successfully the greatest task so far set for any American statesman.<sup>1</sup>

<sup>1</sup> The country now paid heavily, through the wear upon its burdened chieftain, for its low tone toward the spoils system. Washington was thronged, beyond all precedent, with office seekers, who were "Republicans for revenue"; and the first precious weeks of the new administration had to go largely to settling petty personal disputes over plunder. Lincoln compared himself to a man busied in assigning rooms in a palace to importunate applicants, while the structure itself was



Despite the seeming cowardice or apathy of Northern statesmen, the masses needed only a blow and a leader to rally them for the Union. South Carolina fired on the flag, and Abraham Lincoln called the <sup>Fort Sumter</sup> North to arms. From November to April, Major Anderson and sixty soldiers had held Fort Sumter in Charleston harbor. In vain he had pleaded to Buchanan for reinforcements. In January, Buchanan made a feeble show of sending some; but the *unarmed* vessel, weakly chosen for the purpose, was easily turned back by Secessionist shells; and further efforts were soon made difficult by rising batteries — whose construction Anderson's orders did not permit him to prevent.

A month after taking office, Lincoln decided, against all his Cabinet, to send supplies to Anderson. The Confederates took this decision as a declaration of war, and attacked the fort. April 12, the bombardment of Sumter began; and thirty hours later, with the fortress in ruins, Major Anderson surrendered. The next day (April 15) the wires flashed over the country Lincoln's stirring call for seventy-five thousand volunteers.

This call to arms brought a magnificent uprising of the North. Laborers, mechanics, business men, professional men, college boys and their learned teachers, <sup>And the</sup> shouldered muskets side by side. <sup>call to arms</sup> From Maine to California, devotion and love for the Union spoke with one mighty voice. Banks offered huge loans without security, and wealthy men placed their private fortunes at the disposal of the government. By July, 310,000 men were in the field. Before the close of 1861, the number was 660,000, enlisted for "three years or the war." Party distinctions in the North faded. Talk of compromise was drowned in the din of arms. Douglas, dying though he was, hastened gallantly to Lincoln's support; and Buchanan gave cordial aid. Lowell wrote of "that first gun at Sumter which

burning over his head: and in 1862, when an old Illinois friend remarked on his careworn face, he exclaimed with petulant humor, — "It isn't this war that's killing me, Judge: it's your confounded Pepperton pastoffice!"



*The third tier of Slave States* (Maryland and Delaware, Kentucky, Missouri) were the true "Border States." Delaware was firm for the Union from the first; <sup>The Border States</sup> and in spite of strong secession sentiment, the others were finally kept in the Union by Lincoln's wise diplomacy and by swift action of Union armies, — though their inhabitants sent many regiments to swell the Southern ranks. Missouri would have joined the Confederacy except for vigorous measures by the many thousands of recent, freedom-loving German immigrants in St. Louis, who stood stoutly for the Union. The lines were drawn, twenty-two States against eleven.

secession. There also the question was submitted to a popular vote; and the people sustained the convention by a vote of three to one — the opposition coming almost wholly from the western counties. A Virginian who had been a Unionist delegate in the convention was asked just afterwards — "What will the Union men of Virginia do?" "There are no Union men left in Virginia," came the swift reply. "We stand this day a united people. . . . We will give you a fight that will stand out on the page of history."



## CHAPTER XXXIV

### THE CIVIL WAR

At first the North expected confidently to end the conflict in three months — “by one decisive blow.” From this dream the country awoke when the Union forces were utterly routed at *Bull Run* (July 21) in an advance on Richmond. Then, in more wholesome temper, it settled down to a stern war. That war lasted four years, and was the most tremendous struggle the world had ever seen.

To subdue the South two things were essential: (1) The seceding States must be invaded and conquered on their own soil; but this was plainly impossible unless (2) a cordon was first drawn about them, so that they could get no supplies from the outside world.

To completely beleaguer the South, then, was the first task. On the land side, the overwhelming numbers of the North made this fairly easy. The Border States were quickly occupied, and the South was kept upon the defensive. She did make some daring raids into Kentucky and two formidable invasions across the Potomac that threw the North Atlantic cities into panic; but all these sorties were failures. The first one across the Potomac was turned back at *Antietam*, September 17, 1862; and the second, the “high-tide of the Confederacy,” at *Gettysburg*, July 1–3, 1863.

To close the three thousand miles of sea coast was a more difficult matter. April 19, 1861, Lincoln declared it blockaded; but this was little more than a statement of intention. Only twelve ships were at the government’s command. The rest of the small navy of forty-nine ships had fallen into Southern hands or was scattered

far in foreign ports. But blockading squadrons were hurriedly bought, built, and adapted out of coasting steamers and ferryboats; and in a few months the paper blockade became real. From that time to the end, the throttling grip on Southern commerce clung closer and closer.

The export crops, cotton and tobacco, were robbed of value. In 1860 the cotton export amounted to nearly two hundred millions of dollars; in 1862, to four millions. As arms, railway material, clothing, wore out, it was almost impossible to replenish the supply. Before the end of the first year, there was an alarming scarcity of *salt*, butter, coffee, candles, and *medicines*. By recourse to homespun, and by raising corn instead of cotton, part of the need was met. Part was beyond remedy.

Southern sympathizers and venturesome capitalists made it a business to build swift "blockade runners" to carry supplies to Confederate ports from the Bermudas, and to bring out the cotton piled up at Southern wharves and worth fabulous prices in the idle European factories. Fifteen hundred such vessels were captured during the war; and, before the close, they had nearly vanished from the seas. While trips could be made at all, profits were enormous. A ton of salt, costing \$7.50 outside the Confederacy, could be sold inside in gold for a profit of 20,000 per cent.

For one moment it looked as if the Union fleets would be swept from the seas, and the blockade raised. When the government troops abandoned Norfolk navy yard (on the secession of Virginia), they left there, only partially destroyed, the frigate *Merrimac*. The Confederates built on her hull an iron roofing, and sent her forth as the *Virginia* against the wooden frigates of the United States in Hampton Roads. This first armored ram on the American coast sank two towering ships (March 8, 1862), and steamed back to her anchorage, confident of completing her mission on the morrow. But, during that night, arrived at the Roads another type of iron vessel, the *Monitor*, with low, flat deck surmounted by a revolving turret mounting two huge guns, — a "cheese box on a raft."

The  
*Monitor*  
and *Virginia*

After a sharp engagement, the *Virginia* was driven to seek shelter. The blockade was saved,—and the knell had sounded for wooden men-of-war. Vessels had been covered with iron plates in some of the earlier campaigns on the Mississippi, and England and France had constructed some ironclads; but it was the spectacular battle of “the *Monitor* and *Merrimac*” which demonstrated to the world the arrival of a new order.

Invasion of the Confederacy had been simplified tremendously by the saving of the Border States to the Union.

Lines for  
Union  
invasion

There were *three primary lines of attack*. The Army of the Potomac, with headquarters about Washington, must try to capture Richmond, the political center of the Confederacy, and crush the army of



SCENE OF THE CIVIL WAR.

defense—the Army of Northern Virginia. In the West, the Unionists must secure the Tennessee and Cumberland rivers, so as to occupy Tennessee and to open roads into Mississippi and Alabama. And the course of the Missis-



issippi had to be secured by the capture of such Confederate strongholds as New Madrid, Island No. 10, Port Hudson, Memphis, and New Orleans. (*Secondary lines of invasion were pointed out by the location of the more important railways — especially those from west to east, such as the Memphis and Charleston Road. To secure these roads, engagements were fought in 1862 at Corinth, Pittsburg Landing, Shiloh, and Memphis.*)

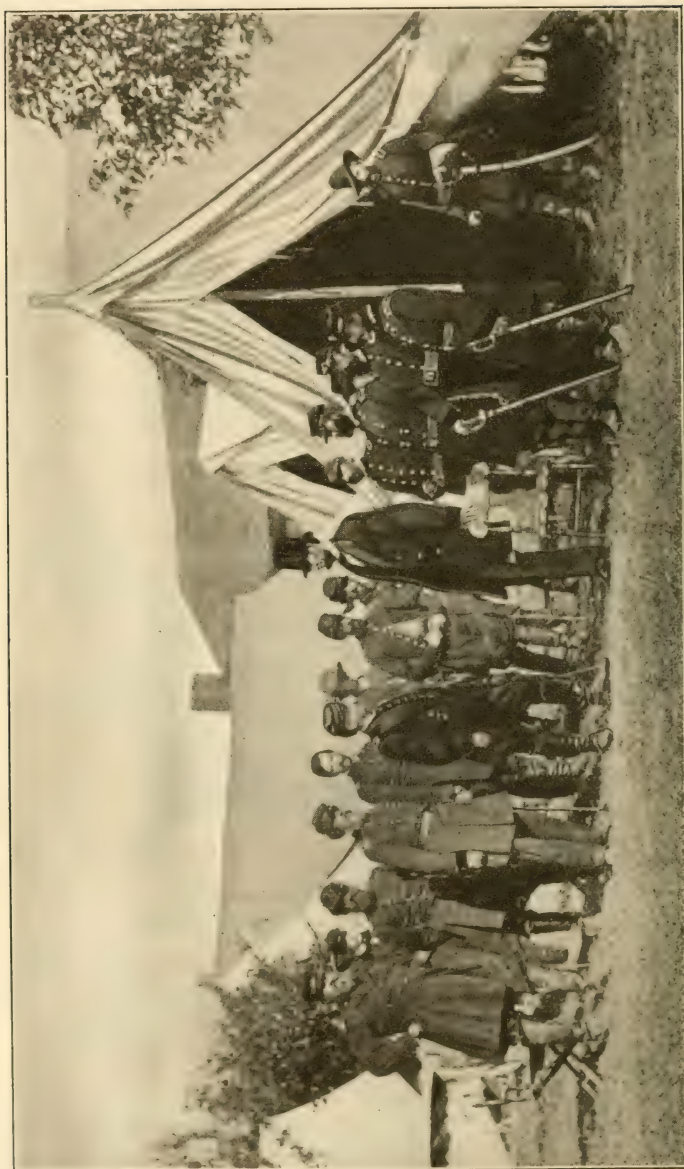
*Vicksburg*, the last of the river fortresses to hold out, was forced to surrender to General Grant on July 3, 1863 (the final day of *Gettysburg*); so that the Father of Waters “once more rolled unvexed to the sea,” cutting off Arkansas, Texas, and most of Louisiana from the main body of the Confederacy. The second task

Opening of  
the Mis-  
sissippi



UNION AND CONFEDERACY AFTER GETTYSBURG.

had begun earlier, but lasted longer. Grant had captured *Forts Donelson* and *Henry*, commanding the lower courses of the Tennessee rivers, in 1862; but Union occupation of Tennessee, and indeed of the line of the Ohio, was not assured, until, after oscillating campaigns and some of the most bloody fighting of the war, Grant, Thomas, and Sherman drove the Confederates from *Chattanooga*, in November of 1863.



PRESIDENT LINCOLN VISITING GENERAL McCLELLAN AT ANTIETAM, AFTER THE BATTLE.

This decisive victory opened up a *fourth line of invasion*, to Atlanta, at the farther end of the Atlanta and Chattanooga Railway, — only 135 miles distant, but with an intervening region of rugged mountains. Atlanta was located in the iron and coal region of northern Georgia and was becoming a center for manufacturing arms and railway material. As the only such center in the Confederacy, its capture was of supreme importance. This became Sherman's task in the summer of '64 in a four months' campaign, against the skillful opposition of the outnumbered Johnston and the pounding of his desperate successor, Hood.

Sherman's  
March to  
the Sea

Atlanta was taken September 3. Leaving its factories in ashes, and detaching Thomas with sufficient force to engage Hood, Sherman then (November) struck out a *fifth line of invasion*, through the heart of the Confederacy for Savannah, — living on the country and finding not even a militia to oppose him.

Meantime, in the East, the genius of Lee<sup>1</sup> and the splendid fighting qualities of his devoted but diminishing army, aided, too, by geographical conditions, — trackless swamps and broad streams subject to sudden floods, — held the Union forces at bay year after year, until Grant was brought from the West and given men in ever fresh multitudes to wear down his opponents. Even then, Lee's thinned and starving veterans remained unconquered, until the empty shell of the Confederacy had been pierced from circumference to circumference, and its absolute exhaustion bared to the world by Sherman's devastating "March to the Sea." The South did not yield; it was pulverized.

Lee's mag-  
nificent de-  
fense

Collapse of  
the Con-  
federacy

<sup>1</sup> Robert E. Lee ranks among the noblest figures in American history. He loved the Union deeply; but when Virginia seceded, he declined an offer of the command of the Union armies, and gave his sword to the Confederacy. The recent acceptance by Congress of his statue, to stand in Statuary Hall in the Capitol beside Virginia's other great son, Washington, fitly denotes the reunion of North and South as one people. It is pleasant to record that, even at the surrender, when Lee rode into captured Richmond the Northern soldiers there gave him an ovation such as they seldom gave their own generals.



*In the North one man out of two bore arms at some period of the war; and one man out of three served three years.*

*In the south nine men out of ten bore arms, and eight out of ten served three years.* The total enlistments in the North counted 2,900,000; in the South, 1,400,000. The three-year average for the North was 1,557,000; for the South, 1,082,000. With far less effort than the South, the North kept a half more men in the field.

But this does not take account of the slaves who served as teamsters, laborers on fortifications, cooks, and servants, in Southern armies, doing work that had to be performed by enlisted men on the other side.<sup>1</sup> The Southern forces, too, were able to concentrate more rapidly, because they moved on the inside lines and knew the roads better. Perhaps, too, they were handled with greater skill. The North, after costly experimenting, found some excellent commanders, Hancock, Hooker, Sherman, Sheridan, Grant; but the South had ready a larger proportion of its noblest sons with the best West Point training and with military experience. Indeed the South was better suited, by its whole spirit to develop military genius; and all America to-day glories in the splendid chivalry and magnificent generalship of a score of Confederate leaders, among whom — only a little brighter than the rest — shine the names of “Stonewall” Jackson, Gordon, Longstreet, the two Johnstons, “Jeb” Stuart, and Lee.

On the whole, *until the final year*, the armies in actual conflict did not often vary greatly in numbers. Then, indeed, the exhausted South could no longer make good her losses in battle — though her stern recruiting system did “rob the cradle and the grave.” Her ranks shrank daily, while the Northern armies grew larger than ever. At the opening of that last terrible year of slaughter, from May 5 to June 12 (1864), — or from the Wilderness to Petersburg, — Grant hurled his 120,000 veterans almost

<sup>1</sup> On the plantations, too, under the management of women, slaves raised the food crops for the South. Wonderful to say, there was no hint of a slave-rising during the war, and, until 1863, very little increase of runaways.



LEE AND JACKSON. The name "Stonewall" was given Jackson at Bull Run, where his brigade withstood what at first seemed an overwhelming Union onset. Like Cromwell's Ironsides, Jackson was wont to kneel in prayer before a charge. He was called Lee's right hand.

daily at Lee's 70,000, suffering a loss of 60,000 to Lee's 14,000. New recruits were always ready to step into the gaps in the Union regiments; while the Confederate ranks could only close up grimly. In the remaining campaigns, the Union forces usually outnumbered their opponents at least two to one. To add to the disparity, Grant sternly refused to exchange prisoners.

Military prisons are always a sore subject. There is usually a tendency, in a long conflict, for their administration, on both sides, to fall to men less competent and less chivalrous than those who seek service at the front. Even in the early years of the war, there had been terrible misery in the prisons at the South — where medicines and supplies were wanting even for the Confederate soldiers. With less excuse, there had been cruel suffering also in Northern prison camps. Toward the close, when the South was unable to feed her soldiers at the front, or to spare adequate forces for guards, conditions became horrible in the Southern prisons, — especially after Grant's refusal to exchange prisoners packed the already crowded Libby and Andersonville with Union soldiers. On this whole topic the student will do well to consult Rhodes' exhaustive and impartial treatment (*History*, V, 483-515), and especially to note his conclusion: "All things considered, the statistics [of deaths] show no reason why the North should reproach the South."

*In 1863* there was a falling off of enlistment in the North, and Congress authorized a "draft," — a conscription by lot from able-bodied males between the ages of twenty and forty. In enforcing this law, some officials seem to have discriminated against Democratic districts; and violent anti-draft riots broke out in several Eastern cities. These were put down sternly by the military; but not till New York had been three days in the hands of a murderous "nigger-hunting" mob, and only after a sacrifice of a thousand lives.

Altogether the draft furnished less than forty thousand troops. Its real work lay in influencing State legislatures to



stimulate enlistment by generous bounties. Such moneys furnished support for dependent mothers and for children, and so enabled many a man to volunteer who otherwise must have worked at home. But it remains absolutely true, as Lowell said, that "the bounty which drew our best soldiers to the ranks was an *idea*." For the South, this was even more true, mistaken though the idea was; but even the South had recourse to conscription, extending it to *boys of seventeen* and *men of fifty*. In most districts, however, volunteer enlistment had left small gleanings for this desperate law.

The Buchanan administration had left the treasury empty, a debt mounting, and credit dubious; but *Salmon P. Chase*, Lincoln's Secretary of the Treasury, was supported loyally by Congress in a course of vigorous war War finance finance. Year by year, bonds were sold at home or abroad in amounts which at any earlier time would have seemed fabulous. A direct tax of \$20,000,000 was apportioned among the States. An income tax of 3 per cent on all incomes over \$800 was imposed; and in 1864 this was raised to 4 per cent (but on the largest surpluses the rates rose only to 10 per cent!). Internal excises and stamp duties of the most varied and searching description reached almost all callings, products, and business transactions. Session by session Congress devised higher and higher "war-tariffs," rising to rates before unheard of, to remain without change twenty years after the war was over. And a series of "Legal Tender Acts" provided half a billion of dollars of paper money, based only on the faith of the government and amounting to a "forced loan."

These "greenbacks" mentioned no specific date for redemption, nor did the law provide any specific security, and of course the value fluctuated with success or failure in the field. Depreciation set in at once. Gold Greenbacks was hoarded or sent abroad in trade; and on one dark day in 1864 it sold at 285, while most of the time after 1862 a dollar of paper was really worth only from fifty to seventy cents.

Prices rose, for this reason and for other causes connected with the war, to some 90 per cent above the old level. Wages rose, too; but more slowly, and only two thirds as much, — so that the laboring classes bore the great part of the cost of the war. Workingmen endured much suffering, even while “business” was exceedingly “prosperous.”

Toward the close of the war, taxation was bringing in half a billion a year; but in 1863 the expenditure had risen to two **Taxes and** and a half millions *a day* — or two times the daily **bonds** income. Business could not well stand more taxes; nor could more paper money be issued safely. The extra amount must be borrowed by selling new bonds. But how could the government induce capitalists to buy them in sufficient amounts? Chase solved this problem in part by the National Banking Acts of 1863 and 1864 — the basis also of a system of banks and bank currency which, whatever its later faults, was far better than America had before known. Any association of five or more persons, with a capital of at least \$100,000, was authorized (1) to organize a National bank, (2) purchase National bonds to the amount of one third the capital, (3) deposit the bonds in the National Treasury, and (4) issue “National bank notes” on that security. A supplementary Act placed a tax of 10 per cent on notes issued by State banks. Hundreds of State banks then reorganized as National banks, and their new demand for bonds met the needs of the Treasury.

Capital is notoriously timid, and business notoriously selfish. There were not wanting the customary shames of army contractors who swelled their fortunes by furnishing shoddy clothing, paper-soled shoes, and rotten food to the troops; while other more adventurous pirates of finance made fabulous profits by illicit or treasonable trade with the South. But on the whole the moneyed men showed a noble patriotism. Andrew D. White tells a typical story (*Autobiography*, I, 89) of the roughly expressed idealism of a multimillionaire — still a rare phenomenon in the sixties — a man who had

"risen by hard work from simple beginnings to the head of an immense business . . . a hard, determined, shrewd man of affairs, the last man in the world to show anything like sentimentalism. . . . He said something advising investment in the newly created national debt. I answered, 'You are not, then, one of those who believe that our debt will be repudiated?' He rejoined: 'Repudiation or no repudiation, I am putting everything I can rake and scrape together into national bonds, to help this government maintain itself; for, by God, if I am not to have any country, I don't want any money.'"

Northern statesmanship also devoted itself deliberately and effectively to encouraging the production of wealth — that there might be more to tax. The demand for war supplies and the high tariffs stimulated manu- Growth of  
wealth in  
the North factures enormously. Congress gave vast amounts of land and money to the Union Pacific to enable that company to build a railway across the continent, and other railways opened up great tracts of new territory to agriculture. In 1862 the *Morrill Bill* offered National land grants to State institutions providing scientific training in agriculture and in mechanical arts. The same year the long-delayed "*Homestead Bill*" offered free 160 acres of land to any head of a family who would live upon and improve it.

The South had little wealth to tax. It had no capitalists to buy its bonds; and they could not long be sold abroad. Paper money was issued in floods by both central Confed-  
erate  
currency and State governments, — and depreciated even faster than the famous "Continental currency" of Revolutionary days, so that in 1864 it was not unusual for a Southern soldier to pay \$200 for a poor pair of shoes. The Confederacy did not formally make this paper a legal tender; but, before the end of the war, it was forced to seize supplies from the fields and barns, and it could pay for them only in this money — at rates fixed from month to month by government decree. Neither bonds nor currency were ever redeemed.

Thus the South lived upon itself. And the capital that could not be eaten, — that which was fixed in buildings and



roads, — was in large part burned or ruined by the Northern invaders. Southern wealth was gone before the survivors of her heroic men laid down their arms. The world had never seen another so vast and complete a devastation of a civilized land.

The great Republic emerged from the battle-storm, glorious and whole, while the world stood amazed, convinced against its will. The resources of the North were never lacking. They grew faster than they could be spent ; and the North had more men, more tilled acres, more manufactures in 1865 than in 1861. But for the South, as Woodrow Wilson says so well, “the great struggle was maintained by sheer spirit and self-devotion, in spite of constantly diminishing resources and constantly waning hope. . . . And all for a belated principle in government, an outgrown economy, an impossible purpose. There is in history no devotion not religious, no constancy not meant for success, that can furnish a parallel to the devotion and constancy of the South in this extraordinary war.” The American of to-day sorrows at the terrible sacrifice the South made for mistaken ends ; but his heart swells with patriotic emotion at the heroic vision of that chivalrous devotion to the Lost Cause, — that gallant constancy, that peerless courage.

When the war began, a large part of the North cared nothing about abolishing slavery, or was positively opposed to doing so ; and the loyal Border States were kept in the Union only by repeated assurances from the government that the war was *not* intended to free slaves. The day after Bull Run, by 107 to 2, the Republican House reassured the War Democrats and the Border States to this effect. In the opening weeks of the struggle, it is true, “ Contra- General Butler, at Fortress Monroe, refused to deliver to an owner in the Confederate army a runaway slave who had escaped to the Union lines, — on the ground that the man was “contraband of war” (since he might be made useful to the enemy). This logic was so sound, and the phrase so caught the popular approval,

that the government did not interfere with the Union generals who chose thereafter to free "contrabands" seeking refuge *within their lines*. But when General Fremont, in Missouri, proclaimed free the slaves of all citizens of that State who were in arms for the Confederacy, the order was promptly disavowed by President Lincoln. For a year more, the majority of the Union generals were inclined to enforce the Fugitive Slave Act as to Negroes who sought refuge with the army, even when the owners were serving in the Confederate ranks.

But it became more and more plain that, if the North was successful, the result must be freedom for the Negro; and, in March, 1862, *Lincoln recommended to Congress that the States should be invited to decree gradual emancipation*, and that, wherever this was done the *United States* should *compensate the owners* and *colonize the freed Negroes*.

This wise plan was never adopted. In April Congress *abolished slavery in the District of Columbia*, it is true (with an appropriation of \$1,000,000 to compensate the owners); and, in June, it abolished slavery in the Territories, *without compensation*. It also *passed resolutions* approving Lincoln's plan for the *States*.

Slavery  
abolished  
in District  
of Columbia

But the President's earnest appeals to the Union leaders of the Border to persuade their States to act promptly and secure compensation for their slaves before it was too late, fell upon deaf ears. They could not yet believe his prophecy that soon they would find "bonds better property than bondsmen"; and the opportunity passed.

Congress adjourned for the season on July 17, 1862. Five days later, Lincoln read to his surprised Cabinet the draft of a proposed *Emancipation Proclamation*. This was *not to apply to the Border States, or to the Southern territory under Union control*. The only warrant in the Constitution for such action by the President had to be found in his powers as Commander in Chief. The Proclamation, in form, was merely a *war measure*, designed to weaken the enemy.

Lincoln's  
Emancipa-  
tion Procla-  
mation

At Seward's suggestion, Lincoln put the matter aside,

to wait for some signal victory — of which there had been few for a long year — that the Proclamation might not seem the act of a despairing government. Two months later, Lee's retreat after Antietam (page 534) furnished the appearance of a victory; and September 23 the great Proclamation was given to the world, — to go into operation on the first day of the coming year. The Proclamation made an era in history. At the moment, of course, it was a paper edict, and did not actually free a slave. But from that day *the war became a war to free slaves*; and, as Union armies slowly conquered their way into the South, thousands, and finally millions, did become free.

True, cautious as Lincoln had been, it seemed for a time as though he had moved too swiftly for Northern opinion. The fall elections gave anti-war majorities in several of the largest Northern States, before strongly Republican. In Ohio the Democrats carried 14 congressional districts out of 19; in Indiana, 8 out of 11; in Illinois, 11 out of 14. Says Professor A. B. Hart (*Salmon P. Chase*, 270): "No Republican majority could be secured out of the free States; but a silent and drastic process was applied by the military in the loyal Border States, which caused them to furnish enough Republican members to make up the majority without which the war must have failed." By such dubious means, 21 Republican Representatives were secured from the 26 Congressional districts of Missouri, Kentucky, and Maryland.

And after an interval of dismay the Nation rallied. Emancipation was accepted as a settled policy; and, in 1864, Lincoln was reëlected triumphantly, carrying every loyal State except New Jersey, Delaware, and Kentucky. Before the close of the war, Maryland, Missouri, and West Virginia abolished slavery without compensation; and "Reconstruction governments" (page 557) in Tennessee, Louisiana, and Virginia freed the slaves in those parts of the Confederacy to which the Proclamation had not applied. Then "the whole thing was wound up," in Lincoln's expressive phrase, — all informalities legalized, all

State

Emancipa-  
tion



possible gaps covered, and the institution itself forever forbidden,<sup>1</sup> — by the Thirteenth Amendment (ratified in December, 1865). It was this amendment which freed the remaining slaves in Kentucky and Delaware.

The  
Thirteenth  
Amendment

After the Emancipation Proclamation, the government began to receive Negro regiments into the army. More than fifty thousand Black men were enrolled during the remaining months of the war; and large numbers of others were now used as teamsters and for camp work which had formerly rested on Northern White soldiers. *Emancipation, too, ended all chance of the South getting European aid.*

Both North and South had counted upon English sympathy. The South hoped that England would break the blockade, to secure cotton, so as to give work to her idle factories and her hundreds of thousands of starving operatives. The North felt that England must favor war against slavery, — forgetting, perhaps, that for more than a year it vociferated that it was not warring upon slavery, and ignoring also the fact that the mounting tariff, closing the usual market to English manufactures, was a constant irritation. Richard Cobden wrote to Charles Sumner (December 5, 1861): "You know how ignorant we are of your history, geography, etc. . . . There are two subjects upon which we are unanimous and fanatical . . . personal freedom and free trade. In your case we see a mighty struggle, — on one side protectionists, on the other slave owners. The protectionists say they do *not* seek to put down slavery: the slave owners say they *do* want free trade. Need you wonder at the confusion in John Bull's head?" *Punch* put the same dilemma: —

England  
and the  
war

<sup>1</sup> The Proclamation had *not made slavery* subsequently *illegal*. But the great Amendment runs — after the phrasing of the Northwest Ordinance — "Neither slavery nor involuntary servitude . . . shall exist within the United States or any place subject to their jurisdiction." The contrast between this actual Thirteenth Amendment and the proposed "Thirteenth Amendment" of 1861, *to guarantee slavery forever against national interference* (page 529), measures part of the value of the war.

"The South enslaves those fellow men  
 Whom we all love so dearly :  
 The North keeps commerce bound again,  
 Which touches us more nearly.  
 Thus a divided duty we  
 Perceive in this hard matter :  
 Free trade or sable brother free ?  
 O, won't we choose the latter ?"

When President Lincoln proclaimed a blockade of Southern ports, France and England at once called the attention of their citizens to that proclamation and ordered a strict neutrality between the two "belligerents." This word incensed the North, which had been claiming that the Confederates were merely "rioters." The English and French acknowledgment of the belligerency of the South was perhaps made with unnecessary haste ; but it is now generally agreed that such action afforded no real cause for complaint. It granted to the Confederates certain rights for their privateers in English and French ports, which, as mere rioters or pirates, they would not have enjoyed ; but it was not at all a recognition of the Confederacy as an independent nation.

There was real danger of this catastrophe — which would almost certainly have been fatal to the Union. After Bull Run, English *society* generally believed that the South could not be conquered, and was more and more inclined to look upon the contest as one between empire and self-government. "In any case, since the South must win in the end," said they, "the sooner the matter is ended the better, so that our cotton mills may turn their spindles again and the danger of social revolution from starving workmen here be removed." Moreover, now that it seemed safe, the governing aristocracy of that time<sup>1</sup> was glad to show sympathy for the corresponding aristocracy of the South. Said Gladstone — not yet fully out of his Tory period — "Jefferson Davis and other leaders . . . have made an army ; they are making a navy ; they have made . . . a nation." Still, so far as any

<sup>1</sup> This was before the Reform Bill of 1867, which first made England a democracy.

*act* of the English government is concerned, the North had no cause whatever for offense until November, 1861.

Then came an incident which nearly led to war with England. The Confederacy appointed James Mason and John Slidell commissioners to England and France, The Mason-Slidell incident to secure recognition and alliance. These gentlemen ran the blockade to Havana, and there took passage on the English steamship *Trent*. November 8, an overzealous captain of an American man-of-war overhauled the *Trent* and took the two commissioners from her decks.

The North burst into applause, though Lincoln and a few other cool heads saw that the government was placed in the wrong by this violation of a right of neutral vessels for which America had so long been ready to fight. England, too, had always prided herself particularly on affording refuge to political offenders from other lands; and there was now a burst of sincere indignation in that country. The government used the opportunity to go far in showing Southern sympathies. Troops were hurried off for Canada, and a peremptory demand was made for the surrender of the prisoners and for an apology — softened though the form of the note was, from the original draft, through the influence of the Prince Consort and the Queen. After unwise delay, due to fear of popular feeling, the American government yielded. The people of the North acquiesced; but their bitterness toward England was intensified.

In another incident of more serious nature, the English government was deeply at fault. In the early years of the war, the South succeeded in getting a few cruisers The to sea, to prey upon Northern commerce. The Alabama The most famous one never entered a Confederate port. This vessel was built in England. The United States minister there, Charles Francis Adams, warned Lord Russell of the purpose of the vessel as it neared completion; but Russell was blandly incredulous, and trusted to reports of his subordinates and to the assurances of the builders that the vessel was a peaceful one. Thus the *Alabama* was allowed to escape to sea, where she took on her armament and soon became a



terror to the Northern merchant marine — until she was overtaken and sunk by the *Kearsarge*. The North was inclined to believe that the English government acted in bad faith. But it is now clear that Russell was guilty only of culpable negligence — of which he afterward made public confession, and for which his country afterward atoned so far as possible by paying the “Alabama claims.”

More serious still would have been the barely defeated project of the South to build two ironclad rams in England, with which to break the blockade. These formidable vessels were nearly ready for sea; and Mr. Adams’ remonstrances apparently had moved Lord Russell only to ineffectual precautions. At the last moment, Adams wrote to Russell, “*It would be superfluous for me to point out to your lordship that this is war.*” But Russell had already awakened, and had just given effectual orders to seize the vessels.

France, too, felt the lack of cotton, though far less than England, and the Emperor Napoleon III would have liked to see the Union broken up, so as to give him a free hand in Mexico (page 565 below). Accordingly, he made specific proposals to the English government to join hands in recognizing the South and breaking the blockade. *These repeated overtures were always refused by England.* With perfect right, Cobden wrote to Sumner (Morley’s *Cobden*, II, 408): “You must not forget that we have been the only obstacle to what would have been almost a European recognition of the South.”

And after the Emancipation Proclamation had put the North in the true light in the matter of slavery, all English hostility was hushed. English workingmen thronged great public meetings to voice loud enthusiasm for the Union; and Cobden wrote jubilantly that any ministry which should dare to commit any act unfriendly to America would be instantly driven from power.

The North, then, had some cause to blame the government and the aristocracy of England. It had greater cause, not always duly recognized, for deep gratitude to the sound heart of the English masses, who felt dimly that

the Union was fighting slavery, even while Unionists denied it loudly, and who therefore gave the North a heroic support through cruel privations — in many ways as severe as those borne by Americans. Says Von Holst of this matter: “The attitude of the English workingmen is one of the great deeds in the world’s history.” They stood nobly by the cause of democracy and free labor, as their own cause; and their attitude was so determined that, even though they had no votes, their aristocratic government did not venture to take offensive action against America. It should be remembered, too, that, in the darkest hour, there were not wanting English leaders, like Richard Cobden, John Bright, and John Stuart Mill, to give enthusiastic support to the North.

Debt of  
America  
to English  
working-  
men

*The war cost more than 700,000 lives*, — the loss nearly even between North and South. “The nation was lastingly impoverished by that awful hemorrhage.” As many men more had their lives sadly shortened or rendered miserable by disease or wounds. Other darkened lives, in homes from which the light had gone out, cannot be computed. Nor can we count the heaviest cost of all, the lowering of moral tone, and the habits of vice, that came from life in camp and barracks.<sup>1</sup> *In money*, the war cost the Union government about three and a half billions, nearly three billions of which remained as a huge national debt to plague the next generation. The destruction of property, *principally in the South*, amounted to nearly as much more.

The cost  
of the War

Still, this expenditure of blood and treasure was well worth while. The war struck shackles from four million men. It ended forever the ideas of constitutional nullification and of peaceful secession. It decided, beyond further appeal, that the United States is a Nation, not a confederacy. *It was the means whereby the more progressive por-*

And its  
gains

<sup>1</sup> The women and other non-combatants of both South and North spent themselves nobly in hospital service; but science did not know how to heal or to protect, as it does now. And the splendid work of our many organizations in the World War to provide material comforts and mental recreation and uplift was almost wholly lacking.

*tion of the country had to force its advanced political thought and its better labor system upon the weaker, stationary portion.* It prevented the break-up of the country into squabbling communities, to be engaged in incessant bickerings over trade and boundaries, and it preserved the vast breadth of the continent for peace. It demonstrated to skeptical European aristocracies that the great Republic was not "a bubble," but "the most solid fact in history."

One part of the cost is yet to be counted. April 14, 1865, while the North was still blazing with illuminations over the surrender of Lee's army, it was plunged  
The death of Lincoln into gloom by the assassination of Lincoln. The great President was murdered by a crazed actor, a sympathizer of the South. No man was left to stand between North and South as mediator, and to bind up the wounds of the Nation with great-hearted pity and all-sufficing influence, as Lincoln could have done. His death was an incomparable loss to the South. It added fierce flame to the spirit of vengeance at the North, and it explains in part the blunders and sins of the Republican party in the "Reconstruction" that followed the war.





ABRAHAM LINCOLN

*" . . . that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth."*



## CHAPTER XXXV

### RECONSTRUCTION

PEACE brought new problems. The North paid off its million men under arms, and sent them to their homes at the rate of one or two hundred thousand a month. At the close of 1865, only some fifty thousand remained, to garrison the South. The disbanded Return  
of the  
soldiers "old soldiers" found place in the industry of the country without disturbing the usual order. In part this remarkable fact was due to "free land." Many thousands who saw no opening in their old homes became "homesteaders" in the West. The government, too, sharply reduced *internal taxes*. At the same time, after 1869, it cut down the huge national debt resolutely — so that by 1890 half of it had been paid, including the paper money.

For the wrecked South, the problems were infinitely more difficult. Its "old soldiers" toiled homeward painfully, mostly on foot, from Northern prison camps and from surrendered armies. In some districts, remote from the march of the Union armies, there was still abundance of food, with the Negroes at work in the fields; but over wide areas the returned soldier found his home in ashes, his stock carried off, his family scattered, the labor system utterly gone. Many an aristocrat, who in April had ruled a veteran regiment, in July was hunting desperately for a mule,<sup>1</sup> that he might plow an acre or two, to raise food wherewith to keep his delicately nurtured family from starvation. The destruction of bridges and tearing up of railroads left the various districts isolated; and industrial life had to be built up again from primitive conditions. No praise is too great

<sup>1</sup> At Lee's surrender, General Grant, with characteristic good sense and generosity, had told the men to keep their horses, which, said he, they would need for the spring work. This practice, followed by other Union commanders, lightened in some slight degree the suffering of the South.



for the quiet heroism with which the men of the South set themselves to this crushing task.

Before the end of the war, the Negroes had begun to flock to the Federal camps; and, in March, 1865, Congress had found it necessary to establish a "Freedman's Bureau," — to feed these helpless multitudes, to start schools for them, and to stand to them in the place of guardian. This organization rendered great service; but, in spite of all it could do, hundreds of thousands of ex-slaves drifted aimlessly about the country for months. To many of them, freedom meant chiefly idleness. Others had caught up a strange delusion that the government was going to give to each one "forty acres and a mule." When starvation finally drove them back to desultory work, the habits they had formed led to much violence and crime.

The problems for the South were (1) to find food for its people; (2) to protect and control and uplift the Negro and bring him back into the industrial system; (3) to build new State governments; and (4) to restore these reconstructed States to their old relation to the Union. Unfortunately, in practice, the second and third of these problems had to depend upon the fourth; and this problem the victorious North, after the assassination of Lincoln and the return of its emaciated prisoners, was in no mood to solve in the best way. For twelve years (1865-1876), though war had ceased, a "state of war" continued. The South was garrisoned by Federal troops, and much of it was ruled by conquering generals as though it were a hostile country. *Political organization* was more completely wrecked even than the industrial system. The military government preserved order; but civil liberties were in doubt, and civil government was lacking.

Lincoln had held that the "States" could not go out of the Union, and that their normal relations to the Union were merely interrupted temporarily by illegal "combinations of individuals." Even while the war was in progress, he had tried to "reconstruct" such States as had been occupied by the Union armies.

"Louisiana," said he, in 1862, when the Confederate armies had been driven from that State, "has nothing to do now but to take her place in the Union as it was — barring the broken eggs." In 1863 he issued a proclamation of amnesty for all Southerners (with a few specified exceptions) who would take an oath of allegiance to the Union; and he promised to recognize any State government set up by such persons, — if only they made 10 per cent of the number of voters in 1860.

But more "radical" Republicans began to fear that the "rebels," getting back so easily into the Union, might win control of the Federal government and undo the results of the war. So in July, 1864, Congress passed the "Davis-Wade bill," to make the process of reconstruction more difficult and to place control of it in Congress. Lincoln killed this bill by a pocket veto; and during the summer recess of Congress, upon his own responsibility, he "recognized" the "ten per cent governments" in Arkansas, Louisiana, and Tennessee. Later, like action was taken for Virginia. But Representatives and Senators from these States had not been admitted by Congress when Vice President Johnson became President.

Andrew Johnson was the son of "Poor White" parents, and had learned to write only after marriage, from his wife. His youth was passed as an apprentice to a tailor, and he afterward followed that trade (page 437). He Andrew Johnson had great native ability and a rugged integrity. Even in the aristocratic South, before the war, he had risen from his tailor's bench to the governorship of his State and to a seat in Congress. He had never been a Republican; but he had been a devoted "Union man" in Tennessee, and in 1863-1864 he had shown courage and force of character as military governor there under Lincoln. The Republican National Convention of 1864 nominated him for the Vice Presidency in recognition of the nation's debt to the "War Democrats." But, with all his ability and honesty, Johnson never made good the defects of his early training. He was unduly pugnacious, sadly lacking in tact and good taste,

and much given to loud boasting and to abusive speech. Always bitter toward opponents, he had been particularly bitter toward "rebels," so that Radical Republicans, though shocked at Lincoln's death, felt that the country was now safer. As soon as Johnson had taken the oath of office, a committee of the Republican extremists called upon him. Senator "Ben" Wade greeted him: "Johnson, we have faith in *you*. By the gods, there will be no trouble now in running the government."

Soon, however, Johnson amazed and disappointed his "Radical" friends by taking up reconstruction just where Lincoln had left it — but with infinitely less chance of success. Before Congress met in December, he "recognized" State governments in all the remaining States of the old Confederacy, essentially on Lincoln's plan. In each State a convention repealed the ordinance of secession, repudiated any share in the Confederate war debt, and adopted a constitution. Under this constitution, the people chose a legislature and a governor. The legislature was required, before the State government was "recognized," to ratify the Thirteenth amendment. Thereupon President Johnson proclaimed civil government fully restored. The legislatures then passed laws to restore industry, and chose Senators and Representatives for Congress — who, however, were never to take their seats.

For the North was taking alarm. In the "reconstructed" States, the governors and Congressmen were ex-Confederate generals. Such men were the only natural leaders of their people; but the North could not understand this fact, nor could it believe that these "rebel brigadiers" had accepted the result of the war in good faith.

Much cause for irritation, too, was found in the laws of the reconstructed legislatures about the freedmen. In at least three States, a magistrate might arrest an idle Negro as a vagrant, fine him, and *sell him into service* to work out the fine. In some States a like penalty was imposed for petty larceny; and a common feature of these "Black



Codes" was the provision that a court might "apprentice" Negro minors. The Southerner felt sure that the demoralized Blacks could not be kept in order or made self-supporting without such laws; and most of this legislation is approved to-day by Northern scholars.<sup>1</sup> But at the moment it seemed to the North a defiant attempt to reënslave "persons of color." Northern opinion, therefore, demanded that all the "Presidential reconstruction" should be undone, until the Southern States should repeal the "Black laws" and *grant the franchise to the Blacks*, — to enable those wards of the nation to protect themselves.

The North  
demands  
that the  
South give  
the Negroes  
votes

Lincoln had advised his reconstructed governments that they would do well to give the franchise to Negroes *who had fought for the Union or who could pass an educational test*; and President Johnson repeatedly urged a like policy. But no one of the reconstructed legislatures paid attention to such counsel. For this there is little wonder. Only six Northern States allowed the Negro to vote at this time, and in this same year (1865), State conventions in Wisconsin, Connecticut, and Minnesota refused the privilege. Again, in 1867–1868, Minnesota, Michigan, Ohio, and Kansas, *by popular vote*, rejected constitutional amendments providing for Negro suffrage.

In Congress, Senator Sumner now held that the Southern States, by secession, had "committed State-suicide" and had reverted to the position of Territories, subject of course to *Congressional* regulation. In the lower House, Thaddeus Stevens insisted upon the more extreme view that the South was a "conquered province," so that its people had no claim even to civil rights. Sumner was an unselfish idealist, but un-

Charles  
Sumner and  
Thaddeus  
Stevens

<sup>1</sup> "This legislation, far from embodying any spirit of defiance towards the North . . . was in the main a *conscientious and straightforward attempt to bring some sort of order out of the social and economic chaos*." — Dunning, *Reconstruction* ("American Nation" series), 57–58. "The *trend of legislation* . . . was distinctly favorable to the Negro." — Rhodes, VI, 27.

practical and bigoted, with the one idea of doing justice to the Negro. Stevens was an unscrupulous politician and a vindictive partisan, determined to entrench Republican rule by Negro majorities in Southern States, and not averse incidentally to punishing "rebels." The spirit of reckless retribution which stained the National legislation of the next months was due mainly to his harsh influence. And more and more, as the contest progressed, the Republican majority in Congress was actuated also by a desire to humiliate the President — and moved step by step to a recklessness that is strangely like that manifested in a like struggle at the close of the World War.

At the first roll call of the new Congress, the clerk, under Stevens' direction, omitted the reconstructed States, so that their representatives were not recognized. And Congressional reconstruction Later, the question of the readmission of those States to the Union was referred to a joint committee of the two Houses, — which then held the matter skillfully in abeyance. Meantime, over the President's veto, a Civil Rights Bill placed the civil equality of the Negro directly under the protection of the Federal courts — rather than of the State courts. Then, to make the same principle still more secure, Congress submitted to the States the *Fourteenth Amendment*.

This measure held out to the South an inducement to give the suffrage to the Negro — in the provision that if a State denied the suffrage to any citizens, its representation in Congress might be correspondingly reduced. But it also disqualified from office large classes of leading Southerners such as made up the reconstructed governments. Accordingly it was promptly rejected by Southern legislatures.

Congress then (March 2, 1867) began its own system of Reconstruction. It divided the old Confederacy (except Tennessee, which had ratified the amendment) into *five military districts*. Each district was placed under an army general, who, in practice, set aside at will the laws of the existing Southern legislatures, overruled the decisions of courts, *appointed* municipal authorities, and

aimed in general to exercise a minute paternal despotism. This military rule was to continue until the following process should be complete: (1) Each commander was to register the voters in each State in his district, *including the Negroes and excluding certain large classes of leading ex-Confederates*. (2) State conventions, *chosen by these voters*, must ratify the Fourteenth amendment and (3) adopt new State constitutions, — which must be satisfactory to Congress and which, in particular, must *provide for future Negro suffrage*. (4) These constitutions must then be ratified by the registered voters. (5) A State which complied with these requirements might be readmitted to the Union by Congress.

By June, 1868, six States had been reconstructed on this basis. Virginia, Mississippi, Georgia, and Texas preferred military rule for three years more. Meantime Congress added the *Fifteenth amendment* to the requirements for readmission.

Annoyed by Johnson's futile veto messages, Congress now determined to impeach him. Johnson had been foolish and coarse; but he had administered his high office with scrupulous fidelity, and had enforced vigorously even the laws he most disapproved. The impeachment was a frank attempt to depose him because he differed with the majority of Congress. It failed (May, 1868) for want of one vote; but every Northern Senator who voted against this partisan degradation of the presidency lost his seat at the first subsequent election. The North was even more mad than Congress.

A few months later, the Republicans elected General Grant to the Presidency in an enthusiastic campaign, by 214 electoral votes to 80. Still in the popular vote, Grant had a majority of only 300,000 out of 6,000,000. Part of the Southern States, too, were still unreconstructed, and had no vote; while the others were controlled by Republican "carpetbaggers."

Meantime, the atrocious Reconstruction Acts had been followed by anarchy and misgovernment in the South. In a few weeks, thousands of Northern adventurers, drawn by

Attempt to  
impeach  
Johnson

Election  
of Grant



scent of plunder, had thronged thither to exploit the ignorant Negro vote and to organize it as the Republican party.<sup>1</sup>

**Negro rule** These "carpetbaggers," joined by a few even more detested "scalawags" (Southern Whites, largely of the former overseer class), with grossly ignorant ex-slaves, made up the bulk of the constitutional conventions and of the State legislatures that followed. Says Woodrow Wilson, "A carnival of public crime set in under the forms of law." Irresponsible or rascally legislatures ruined the war-impo- verished South over again by stupendous taxes, bearing mainly on the property of the disfranchised Whites. In Mississippi a fifth of the total area of the State was sold for unpaid taxes. In New Orleans the rate of taxation rose to 6 per cent, which meant confiscation. Enormous State debts, too, were piled up, to burden the future. Crime against individuals was rampant; and vicious Negroes heaped indignities upon former masters. History has no parallel to this legal revolution whereby a civilized society was subjected to ruin and insult by an ignorant barbarism led by brutal and greedy renegades. Says Rhodes (*History*, VI, 35): "Stevens' Reconstruction Acts, ostensibly in the interests of freedom, were *an attack on Civilization*."

The Southern Whites, it should have been foreseen, would soon overthrow this vile supremacy, or perish. Peaceful and legal means for preserving White civilization **And the Ku-Klux** there were none; open rebellion against Negro domination, while it was supported by Federal bayonets, was equally impossible; and so the Whites had recourse to the only available methods, — which were very deplorable ones. Says William Garrett Brown (*Lower South*), "Never before had an end so clearly worth fighting for been so clearly unattainable by any good means." Secret Ku-Klux-Klans intimidated Negro majorities by mysterious warn- ings; and midnight patrols of white-robed, masked horsemen flogged many men and hanged some. By the close of 1870,

<sup>1</sup> A favorite device, when one was needed, was to show the illiterate and credulous Negroes an "order" purporting to be signed by General Grant, commanding them to vote the Republican ticket.

the North had in law imposed its system of reconstruction upon the South: in actual fact, the South was rapidly carrying out a counter-revolution.

In 1872 public feeling at the North compelled Congress to restore political rights to the ex-Confederates except for a few leaders, and the union of the Whites in one party gave them a majority in most States over the Negroes. Thereafter they used little violence; but they continued to exclude most Negroes from the polls by threats of non-employment or by persuasion or by vague intimidation. For a while, the Federal government secured the victory of Carpet-bag State governments by giving them the use of Federal troops at the elections; but this process became increasingly distasteful to President Grant and to the country. *By 1875, Tennessee, Virginia, Georgia, and North Carolina had reverted to White rule;* and the other Southern States did so in the election of 1876 or as a result of the settlement following that election.

Throughout "Reconstruction," Congress showed a high-handed determination to override the Judiciary, as it overrode the Executive, whenever necessary to carry its point. It had suspended the writ of *Habeas Corpus* in the North during the war, and had authorized the punishment of suspected "rebel sympathizers" by *military courts*. While the war lasted, the Federal judiciary had been unwilling to interfere with these courts martial, dangerous as they were to private liberty; but in 1866 the Supreme Court did at last declare that all such military commissions for the trial of citizens, in districts where the ordinary courts were open, had been unconstitutional.

The "Radical" majority in Congress feared that the Court would go on to upset their program for military rule in the South, and raved wildly against the decision. Stevens at once introduced a bill to make it impossible for the Court to set aside laws of Congress thereafter *except by a unanimous vote*. The bill was not pressed to a vote, but was held over

the Judiciary as a threat. The Court, accordingly, grew cautious. When President Johnson's reconstructed State governments appealed to it for protection against the military rule set over them by the Reconstruction Acts, it declared it had no jurisdiction in such "political cases." At a later period, however, in the famous "Slaughter House cases" of 1883, it did take from the Negroes the security for civil equality which the Fourteenth amendment had been intended to give them. Since that time the social relations of the Blacks have been regulated by State governments.

The "Legal Tender decisions" showed another way in which the Supreme Court *might* be subject to control in times of strong popular feeling. The Legal Tender Act of 1862 (page 532) had made "greenbacks" lawful pay *even for debts contracted before the passage of the law*. This provision of the law the Court declared unconstitutional, February 7, 1870. Chief Justice Chase, who as Secretary of the Treasury had devised the law, wrote the decision; and the vote stood *four to three*. But one Justice had died just before, and Congress had provided for one additional new member. President Grant now filled both places — the day this decision was handed down. A new case was promptly brought before the new Court. The new appointees voted with the former minority, and the law was upheld, *five to four*.

Loud complaint was made — even by the Chief Justice — that the President and Senate had "packed the Court" to secure this reversal. In the grossest form, this accusation was certainly untrue. The nominations had been settled upon before the first decision was made public. But the country was sharply divided upon the issue, and the stand of the nominees on the matter was known before they were confirmed. The rising labor parties charged that the appointment was influenced, in part at least, by great corporations whose long-term bonds, about to expire, would have had to be paid in gold under the first decision, but which they now paid in the depreciated greenbacks — gaining millions for corporation coffers.



The Reconstruction period saw three important incidents connected with *foreign relations*.

1. In Johnson's administration, the United States bought from Russia, for \$7,200,000, the immensely rich realm of *Alaska* — then valued mainly for its furs.

2. The same administration victoriously vindicated the Monroe Doctrine. During our war, England, France, and Spain had united in a military "demonstration," to secure from *Mexico* the payment of debts due their citizens. England and Spain soon withdrew from the movement because it became plain that Napoleon III of France was aiming at much more than collection of debts. Then Napoleon established Maximilian, an Austrian Archduke, as Emperor of Mexico, and maintained him there by a French army, in spite of vigorous protests from Washington. At the close of the war, however, American troops were massed on the Rio Grande; and Napoleon withdrew his army. Then the "Emperor" was captured and shot by the Mexican Republicans (1867).

France  
withdraws  
from  
Mexico

3. Much bitterness was still felt toward England for her government's conduct in the matter of the *Alabama*. But in 1867 a franchise reform in that country put power at last in the hands of the workingmen, and a new British ministry showed a desire for a fair settlement between the two nations. In the *Treaty of Washington* (1871), England apologized gracefully for any remissness on her part in permitting the Confederate cruiser to escape, and the question of liability for damages was submitted to arbitration. A Tribunal of Arbitration met at Geneva, — one member appointed by each of the five governments, the United States, England, Switzerland, Italy, and Brazil. At first the American government claimed huge "indirect damages" — for the cost of pursuing the *Alabama*, the longer continuance of the war, and the increased rates of insurance on merchant shipping. The Tribunal threw out these claims; but it decided that England had not shown "due diligence" in preventing the sail-

The  
*Alabama*  
arbitration

ing of the *Alabama*, and that she was therefore responsible for all damages to American commerce committed directly by that privateer. England paid to the United States the award of \$15,500,000, to be distributed by us to the owners of destroyed property. The amount proved to be excessive, since claimants for much of it could never be found; but the settlement was honorable to both nations, and it made the greatest victory up to that time for the principle of arbitration.

## CHAPTER XXXVI

### THE CLOSE OF AN ERA

*In 1872* the Republicans began to divide on the question of military rule in the South. The conviction was growing that the North needed its energies at home. A The election of 1872 "Liberal Republican" Convention nominated *Horace Greeley* for the presidency, on a platform calling for civil-service reform and for leaving the South to solve its own problems. The Democrats accepted program and candidate; but they felt no enthusiasm for Greeley, a life-long, violent opponent, — and the "regular" Republicans reelected Grant triumphantly.

His second term, however, proved a period of humiliation for the simple-minded soldier. His confidence was abused basely by political "friends," and he showed himself a babe in their unscrupulous hands. The public service had become honeycombed with corruption. In 1875 Benjamin H. Bristow, Secretary of the Treasury, unearthed extensive frauds whereby high officials had permitted a "Whisky Ring" to cheat the government of millions of the internal revenue. Babcock, the President's private secretary, was deeply implicated, and Grant showed an ill-advised eagerness to save him from prosecution, while he allowed the friends of the convicted criminals to drive Bristow from office. Grant, himself, on a visit to St. Louis, had been lavishly entertained by a leading member of the "ring," and had even accepted from him a fine span of horses.

In 1876 Belknap, Secretary of War, was found to have accepted bribes, year after year, for appointments to office in the department of Indian affairs. Of course the officials who paid the bribes had enriched themselves by robbing the Indians. The Democratic House (see elections of 1874,



below) began to impeach Belknap, but the President permitted him to escape punishment by accepting his resignation.

Low, however, as the honor of the government had fallen, no one, then or later, imputed personal dishonesty to the modest, honest-minded President. Ulysses S. Grant is a unique figure among the world's rulers, and yet a typical American. His early life was spent in frontier Ohio. He became a West Pointer,

Ulysses  
Simpson  
Grant

graduating with a rank midway in his class. He served with credit in the Mexican War (of which he strongly disapproved, as he did of most wars), and rose from second lieutenant to captain. In 1854 he resigned his commission and took his family to a small farm ten miles from St. Louis—to whose streets in winter he hauled cord wood, dressed, his biographers like to tell us, in a rather ragged old army overcoat. After six distressing years of a not very successful struggle with hard conditions, Grant left "Hard-



*Brady Photograph.*

ULYSSES S. GRANT IN 1865.

scrabble," and the log-hut he had built there with his own hands, to enter his father's store in Galena, Illinois. At thirty-nine he was written down a failure in most men's minds. Strong drink had secured a sad influence upon him,—and this reputation followed him into his most glorious period. During the critical days of his services in the Civil

War, a deputation of Northern whisky-hating gentlemen called upon President Lincoln to protest against the retention in high command of a drinker. Lincoln (who had been greatly attracted to the silent general who did things, instead of asking always for more means to do them) met the situation with a piece of characteristic humor — ‘Did the deputation know what brand of whisky Grant drank? He would like to send some to his other generals.’ For the war had given Grant his opportunity; and, despite his later failures, the verdict of his countrymen, North and South, is that voiced in Lowell’s lines: —

“He came grim-silent, saw, and did the deed  
That was to do. In his master’s grip,  
Our swords flashed joyous: no skill of words could breed  
Such sure conviction as that close-clamped lip.

“Yet did this man, war-tempered, stern as steel  
When steel opposed, prove soft in civil sway.  
The hand, hilt-hardened, had lost tact to feel  
The world’s base coin; and glossing knaves made prey  
Of him and of the entrusted Commonweal.

\* \* \* \* \*

“We turn our eyes away, and so will Fame,  
As if in his last battle he had died  
Victor for us and spotless of all blame,  
Doer of hopeless tasks which praters shirk,  
One of those still, plain men who do the world’s rough work.”

The main proof of corruption in Congress was connected with the Union Pacific Railroad. For ten years before the Civil War, ever since the discovery of gold in California, the country had discussed the building of a transcontinental railway. In 1862 Congress gave right of way through the Territories from Omaha to California to a corporation known as the Union Pacific, — with a grant also of twenty square miles of land along each mile of road, and a “loan” of \$50,000,000. In 1869 the two lines, building from the east and from the west, met in Utah.

The nation had been so dazzled by the romance of carrying an iron road from ocean to ocean through two thousand miles of "desert" that it had been exceedingly careless of its own interests. The fifty million dollar loan was inadequately secured, *and never repaid*. That sum, with the land grants, more than built the road — which, however, was left altogether in private hands. The only new feature about this was the huge size of the grant. As early as 1850, Congress gave Illinois 3,000,000 acres from the Public Domain within that State

Land  
grants to  
railroads



for the Illinois Central Railroad. The State legislature then transferred the grant, as was intended, to the company building the road. Immense grants of like character were made to other Western States. In 1856 twenty million acres were given away. Mild attempts by the legislatures and by Congress to couple the gifts with conditions to secure the public interest achieved little success. After the war, still more immense gifts were made, by Congress directly, from the Domain in the Territories. In the shaded part of the map above, *every alternate section* was



granted for the construction of some road. (Texas had no National land within it; and none was granted in Oklahoma, then Indian Territory. The huge *State* grants are not shown on this map.)

Worse than this *waste* of the people's property was a *steal* within the Company. A group of leading stockholders of the Union Pacific formed themselves into an "inside" company known as the "Credit Mobilier." Then, as stockholders of the Union Pacific, they looted that company by voting to the Credit Mobilier extravagant sums for constructing the road. This was the first notorious use of a device that the coming decades were to make disgracefully familiar.

And worse than this steal by private individuals was the accompanying corruption in Congress. The Credit Mobilier feared that its robbery might be stopped by Congressional action. To prevent that, it gave shares of its highly profitable stock, or sold them far below market rates, to Congressmen. Oakes Ames, the agent of the Company, wrote his associates that he had placed the shares "where they will do us the most good." The matter leaked out; and Congress had to "investigate." It *censured* two members, against whom it found absolute proof of corruption, and excused from punishment various others, smirched in the transaction, on the peculiar ground that they had not *understood* that Ames meant to corrupt them. Still others, including the Vice President, were left under grave suspicion.

The Credit  
Mobilier  
scandal

The people of the North were growing weary of military rule in the South, and they were sickened by the corruption in high places in the National government. The elections of '74 gave the Democrats a large majority in the lower House of Congress, and placed them in control in several Northern State governments. Then the presidential election of 1876 closed the long era of political reconstruction. The Democrats nominated Samuel J. Tilden of New York, a prominent reformer, and adopted a "reform" platform. The Republicans named as their

Election  
of 1876

candidate Rutherford B. Hayes<sup>1</sup> of Ohio, and appealed chiefly to war-time prejudices by a vigorous "waving of the bloody shirt."

On the morning after election, papers of both parties announced a Democratic victory. That party had safely carried every "doubtful" Northern State (New York, New Jersey, Connecticut, and Indiana), and, on the face of the returns, they had majorities in every Southern State. They claimed 204 electoral votes to 165. But in Louisiana, Florida, and South Carolina, carpetbagger governments, hedged by Federal bayonets, would have the canvassing of the returns, and they were promptly urged by desperate Republican politicians in the North to secure a favorable count. The carpet-bagger officials proved easily equal to the emergency. On the alleged ground of fraud and of intimidation to Negro voters, they threw out the votes of enough districts to declare the Republican electors chosen. In Oregon one of the Republican electors who had been chosen proved to be a postmaster; but the Constitution declares Federal officials ineligible to such position. In these four States two sets of electors secured credentials from rival State governments or conflicting officials, and double sets of votes were sent to Washington. Twenty votes were in dispute. Hayes could not be elected *without every one of them*. *Any one of them* would elect Tilden.

Louisiana was perhaps the most trying case. There the Democratic ticket had a majority of more than 6000, in spite of the fact that the canvassing boards freely employed "perjury, forgery, and shameless manipulation of the returns before publication" (Dunning, *Reconstruction*,

<sup>1</sup> James G. Blaine, for many years preceding 1874 the Speaker of the House, had been a leading candidate. Shortly before the convention met, however, he was accused of complicity in the Credit Mobilier scandal. The evidence was supposed to be contained in letters from Blaine to a certain Mulligan. On pretense of examining these letters, Blaine got hold of them and never permitted them to pass again from his hands. He read parts from them in a dramatic "justification" of himself before the House; but the "Mulligan Letters" made this "magnetic" statesman thereafter an impossible candidate for National favor.

316). But the canvassing board "threw out returns on vague rumor and unsupported assertion," and "ignored technical irregularities in returns that favored Republicans, but used the same defects as a ground for rejecting returns that favored the Democrats." Such methods manufactured a Republican majority of 3500.

How should it be decided which sets were valid? The Constitution was unhappily vague. Congress could not easily agree upon a law, because the lower House was Democratic and the Senate Republican. Injudicious leadership might easily have plunged the Nation again into civil war, which this time would not have been sectional. Finally (January, 1877), Congress created the famous Electoral Commission of fifteen, to pass upon the disputes, — five members chosen by the House, five by the Senate, and five justices of the Supreme Court, of which last five three were Republicans. After many painful weeks, *by a strict party vote*, the Commission decided every disputed point in favor of the Republicans. The end was reached only two days before the date for the inauguration of the new President.

The "eight  
to seven"  
decision

The "eight to seven" decisions became a by-word in politics, and they are generally regarded as proof that even members of the Supreme Court were controlled by partisan bias. But this discreditable result was more than offset by the notable spectacle of half a nation submitting quietly, even in time of intense party feeling, to a decision that had the form of law. Rarely, in any country, has free government been subjected to such a strain — or withstood one so triumphantly.

After all, the South reaped the fruits of victory. President Hayes at once removed the Federal garrisons. Then the State governments to which his election had been due immediately vanished, and the South was left to work out its salvation for itself as best it could.

Slavery and the blunders of Reconstruction have left America burdened with a frightful race problem. Southern



Whites have continued to agree in the necessity for keeping the Negro from the polls, — at least wherever his vote might be a real factor, — and that race remains practically destitute of political privilege. To keep it so, there has been created and preserved for a third of a century “the Solid South,” in close alliance with the Democratic party, without the possibility of natural and wholesome division upon other issues.

The South and the Negro  
In 1890 the Republicans in Congress attempted to restore Federal supervision of congressional and presidential elections. The “Lodge Force Bill” failed, partly from the opposition of northern capital invested now in Southern manufactures. But the South took warning, and began to protect its policy by the *forms* of constitutional right. The States adopted property qualifications and educational tests for the franchise. Mississippi led off (1890) by prescribing payment of a poll tax and the ability to read or *understand* the Constitution. Only 37,000 of the 147,000 adult Negro males could read; few of these paid the tax; and White officials decide whether a would-be voter understands the Constitution. Such qualifications, in practice, too, are invoked *only against the Negro*, not against the illiterate White. Sometimes the latter is protected further by the notorious “Grandfather clause,” expressly declaring that the restrictions shall not exclude any one who could vote prior to January 1, 1861, or who is the son or grandson of such voter. In 1916, an extreme provision of this sort in Oklahoma was declared unconstitutional by the Federal Courts.

On the side of civil equality, as we have noted, the Fourteenth Amendment is even more a dead letter. Just at the close of Reconstruction (in 1875), Congress made a final attempt to secure for Negroes the same accommodations as for Whites in hotels, railways, and theaters. In 1883, however, the Supreme Court declared the law unconstitutional when in conflict with State authority (page 564). Accordingly, the two races in the South live without social mingling.

The special cry of the South is “race integrity.” Inter-

marriage, it is insisted, shall not be permitted: therefore there must be *no* social intercourse on terms of equality. Many leaders of the Negro race, too, like the late Booker Washington of Tuskegee and his successor, Charles Moten, desire social segregation for the present, — but with a difference. To the White, Negro segregation means Negro inferiority. To these Negro leaders, separate cars and separate schools for their people mean a better chance for the Negro to “find himself”; but they insist that the “Jim Crow car” shall be cared for and equipped as well as the car for Whites who pay the same rates, and that Negro schools shall receive their proportion of State funds and attention. As yet, this goal remains far distant.<sup>1</sup>

<sup>1</sup> Southern States authorize cities to shut out Negro homes from residential districts which they choose to reserve for Whites. The Supreme Court has declared these laws void (November, 1917) — *but on the ground that the (White) owner must not be deprived by the State of his right to sell his property in such districts in any way he thinks most profitable.* It does not appear that the decision seriously threatens “Jim-Crowism.”

## PART XI -- A BUSINESS AGE: 1876-1917

THE forty years between Reconstruction and the World War belong to "contemporary history." Leading actors are still living; and causes and motives in many cases are not yet surely known. The two great phases are an *enormous economic and industrial growth*, and *the rising*



THE CAPITOL AT WASHINGTON.

*struggle between the people on the one side, and great wealth, fortified by special privilege, on the other.*

Wealth is supported by vast numbers of a middle class who feel dependent upon it. The labor unions, small as their enrollment is in comparison with the total number of workers, hold the first trench on the other side, because of their admirable organization. Both sides, on the whole, are honest; but each believes the other dishonest and un-



patriotic. Neither can get the other's viewpoint; and each has been guilty of blunders and of sins. Privilege believes that the welfare of the country rests on business prosperity, and that the government ought to be an adjunct of business. Labor regards this attitude as due merely to personal greed, and, on its side, wishes government to concern itself *directly* with promoting the welfare of men and women. Privilege, by words, proclaims devotion to "American" individualism (a safe principle for the strong few in contests with a more numerous but divided and weak foe), while, by its secret control of the press and the government, it threatens the life of democracy. Labor, to save that American principle of democracy, turns from early individualism toward collective and coöperative action. Each party, quite honestly, denounces the other as unAmerican. The student of history may hope that this class war is only a necessary stage in progress toward a broader social unity.

The following table of Administrations may be convenient for reference in considering this period.

REPUBLICAN		DEMOCRATIC
1877-1881	<i>Hayes</i>	House Democratic, whole period Senate Democratic, 1879-1881
1881-1885	<i>Garfield — Arthur</i>	(House Democratic, 1883-1885, almost two to one)
1885-1889		<i>Cleveland</i> (Senate Republican)
1889-1893	<i>Harrison</i>	(House Democratic, 1891-1893, by 231 to 88)
1893-1897		<i>Cleveland</i> (Senate and House Republican after 1894)
1897-1901	<i>McKinley</i>	
1901-1905	<i>McKinley — Roosevelt</i>	
1905-1909	<i>Roosevelt</i>	
1909-1913	<i>Taft</i>	(House Democratic after 1910)
1913-1917		<i>Wilson</i>
1917-1921		<i>Wilson</i> (Congress Republican after 1918)
1921-	<i>Harding</i>	

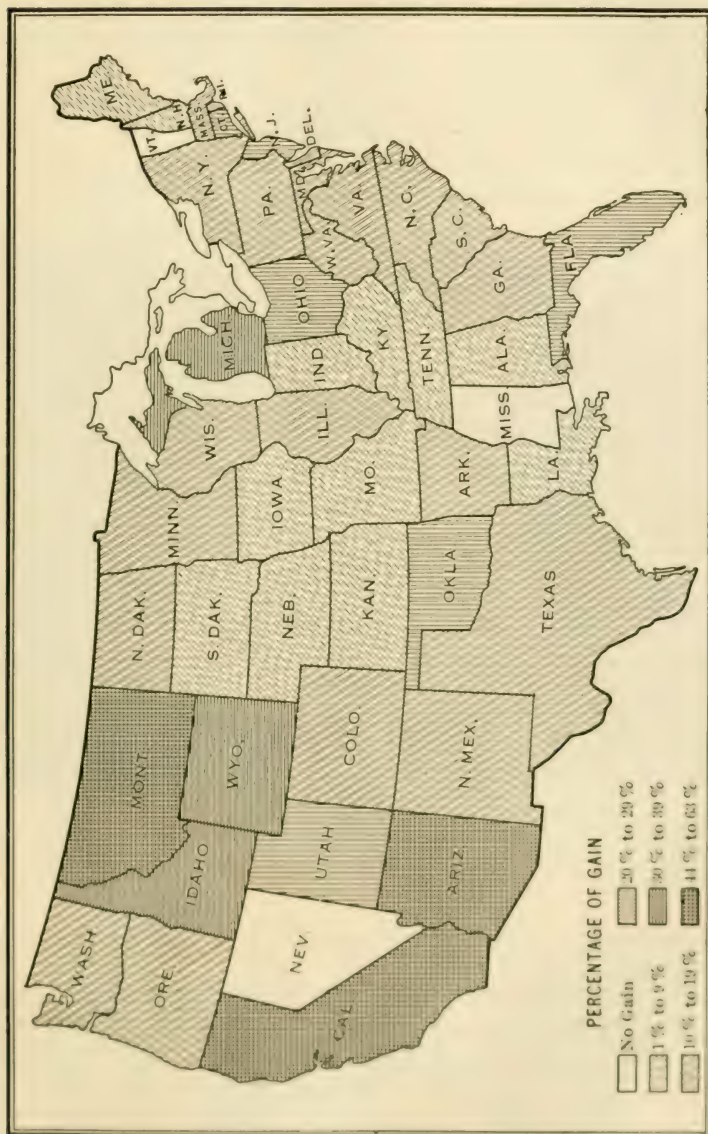
## CHAPTER XXXVII

### NATIONAL GROWTH

BETWEEN 1860 and 1880, population rose from 31 millions to 50 millions — one fourth the gain coming from immigration — and wealth multiplied two and a half times. Since 1880, wealth has grown even more rapidly, but population more slowly. In 1890 the United States had  $63\frac{1}{2}$  millions of people, and in 1920, 106 millions (not counting the ten millions in the new possessions acquired from Spain). Recently, the Middle West, so long the scene of most rapid increase, has become stationary; while the manufacturing East and the far West have shared between them the greatest growth. In 1860 cities contained one sixth the population; in 1880, one fourth; and in 1920, more than one half.<sup>1</sup> Less than one third the people now live on farms.

The rate of increase then is very much smaller than in our earlier periods, and such increase as we have has come very largely from without — and from recent comers. Immigration was checked by the Civil War. In 1883, however, it brought us more than 700,000 people, and in 1905, more than a million. Until 1890, immigration remained mainly like that before the Civil War — with some increase in the Scandinavian settlers in the Northwest. Since that year, more and more, *the immigrants have come from Southern and Eastern Europe*, — Italians, Russian Jews, Bohemians, Poles, Hungarians. A large part of these Southern European immigrants are illiterate and unskilled, with a “standard of living” lower than that of American workingmen. In 1880 they made only one twentieth of the immigrants; in 1900 they made

<sup>1</sup> Fifty-two per cent. All places of more than 2500 people rank as “urban.”





one fourth; and the proportion constantly increased up to the World War. From 1914 to 1919 immigration brought us only some 200,000 a year. At the close of the war, indeed, the tide turned for a while the other way, and, for a year or so, more European-born residents left us than came to us; but by the middle of 1920 every indication pointed to a new rise to the annual million mark. Our earlier immigrants sought homes for the most part on



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ELLIS ISLAND IN NEW YORK HARBOR, where our annual million are detained for examination. The war vessel in the foreground is the German *Kaiser Wilhelm II*, which was visiting in American waters in 1913, when this photograph was taken.

western farms. Those of recent years have settled mainly in manufacturing centers.

When the Civil War began, the thirty-four States made a solid block from the Atlantic to the Mississippi, with one complete tier on the west bank of that river and with Texas and California farther west. Kansas was added in 1861; Nevada, in '64; Nebraska, in '67; and Colorado became the thirty-eighth State in 1876. No new State came in for the next thirteen years

The Forty-eight States

— although the increase of population was then still most rapid in the agricultural region of the newest "West." In the Dakotas, districts without a settler in March were sometimes organized counties in November. The two Dakota Territories were long kept knocking for admission, however, because the Democratic Congress was unwilling to add States so sure to reinforce the Republican party.



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**FUTURE AMERICANS.** A photograph of a band of Armenians landed at Ellis Island, March 9, 1916, — the advance guard of a body of 4200 who were rescued at one time from Turkish massacre during the World War, by a French cruiser off the coast of Syria.

Montana and Washington, on the other hand, were expected to strengthen the Democrats; and in 1889 an "omnibus bill" admitted all four States. The next year, the admission of Idaho and Wyoming gave the first continuous band of States from the Atlantic to the Pacific. Utah, though prosperous and populous, was kept out for years because of its polygamy; but in 1890, when the Mormon Church renounced that doctrine, the State was admitted. Oklahoma,

the old "Indian Territory," came in in 1907, and Arizona and New Mexico in 1912. This completed the solid block of forty-eight States in the vast region bounded by the two oceans, east and west, and by Canada and Mexico north and south. Before long, no doubt, the nation will be confronted with demands for statehood from distant possessions, — Alaska, Hawaii, and Porto Rico.

After 1880, the "New South" began to reap its share of industrial growth. First it seized upon its long-neglected advantages for cotton manufacture. Northern capital built mills along the "Fall Line" (page 134), and cheap labor was found by inducing the "Poor Whites" of the neighboring mountain-folk to gather in factory villages, where oftentimes indolent parents lived on the earnings of little children. The awakened South began also to make use of its mines and forests, — especially of the rich coal and iron region stretching from West Virginia through Tennessee into Northern Alabama. By 1880, Alabama was sending pig iron to Northern mills, and soon she became herself a great center of steel manufacturing.

Thus the *old agricultural South* was transformed into a *new South of varied industries*. After 1902, this tendency was hastened by the falling off in profits of cotton farming due to the increasing ravages of the boll weevil. And even agriculture has been transformed. Just after the war, attempts were made to cultivate huge plantations of the old type with gangs of hired Negroes. This proved a losing venture; and soon the great plantations began to break up into smaller holdings, rented on shares to Negroes or to Poor Whites. These renters have been growing rapidly into owners. The Negro's wholesome ambition to own a farm promises to be a chief source of industrial and social salvation to his race and to the whole South.

Railway extension had been checked during the four years of war, but the last five years of the sixties almost doubled the mileage of the country. The new lines were located mainly in the Northwestern States and Territories; and they were busied at first only

Railway  
growth



in carrying settlers to the moving frontier, and then soon in bringing back farm produce. From 1873 to 1878, construction was checked again by one of the periodic business panics. Then by 1880, another almost fabulous burst raised the mileage to 92,000, and the next ten years nearly doubled this, — to 164,000 miles. Since 1890, expansion has been less rapid; but the next twenty years (to 1910) raised the total to 237,000 miles. Since 1880 America has had a larger ratio of railway mileage to population than



THE BIGGEST ELECTRIC LOCOMOTIVE. The railroads have kept pace with other industries in material development. The electric locomotive here pictured is one of forty-two that haul passengers and freight over the great Continental Divide, in Montana. It weighs 282 tons, and can haul 3200 tons (six and a half million pounds) up a one per cent grade at 16 miles an hour; or, geared for higher speed, it can pull a passenger train of 800 tons on a level at a mile a minute.

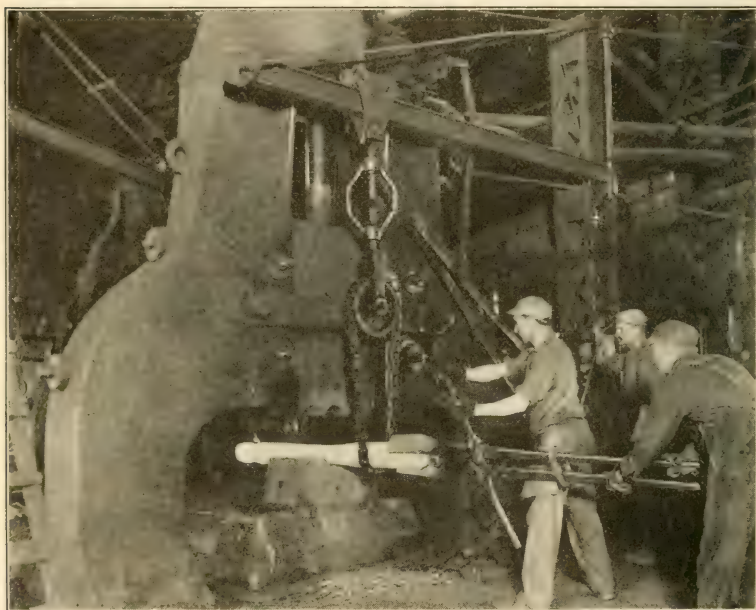
any other country. Railroads represent one seventh the total wealth of the Nation, and employ more than a million men.

The eighties witnessed also a transformation in the *old* railroads. Heavier steel rails, thanks to the Bessemer invention, replaced iron. This made possible the use of heavier locomotives and of steel cars of greater size; and these called in turn for straightening curves, cutting down grades, and bettering roadbeds. Such changes "fixed" a

large amount of capital, but they greatly reduced the cost of transportation.

More significant than these physical changes was the consolidation of railway management and ownership. In 1860

**Railway consolidation** no one company reached from the Atlantic to Chicago: indeed, no company controlled five hundred miles of road. One short line led to another, and so to another, perhaps with awkward gaps, and



*Courtesy of the Carnegie Steel Company.*

FORGING A RAILWAY CAR AXLE, at the Howard Axle Works, Homestead, Pa.

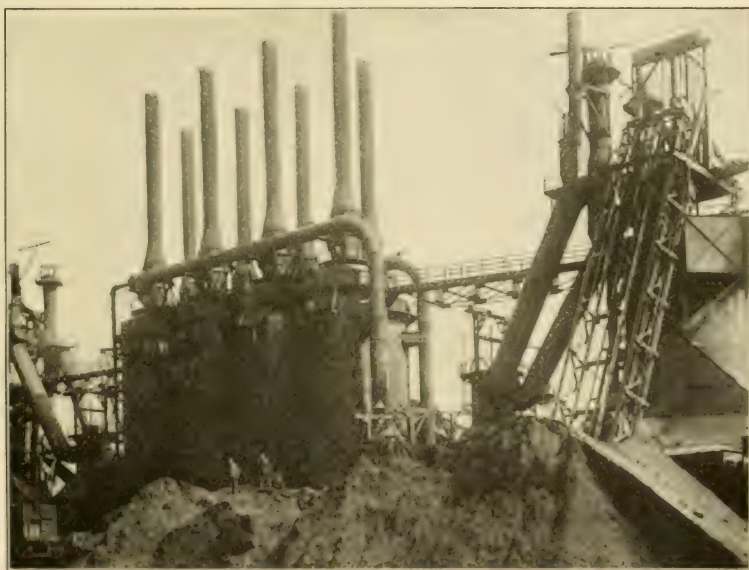
The drop-hammer, about to strike upon the white-hot axle, weighs three and a half tons, and is one of fourteen such hammers in these works.

certainly with annoying and costly transfers, and with confusing changes in rates and in schedules and sometimes in width of track. By 1880, the gaps had been filled, gauges unified, and small lines grouped into larger *systems* — still counting, however, some 1500. By 1895, this number had been cut in half by further consolidation, and forty leading lines controlled half the mileage of the whole country. By

1905, all important lines were controlled by seven or eight groups of capitalists.

A like consolidation of capital and management has been marked in nearly every sort of industry and commerce. Between 1880 and 1890 the *number* of woolen mills decreased from 1990 to 1311, and the manufactories of farm implements from 1943 to 910; but in both lines the *output* was more than doubled.

An era of  
consolidation



THE CARNEGIE FURNACES OF THE CARNEGIE STEEL COMPANY, among the most modern of blast furnaces. This view, showing part of the ore stock yard, is taken from the "charging" side.

So, too, of iron and steel mills. The age of small individual enterprise had given way to an age of large combinations. Small stores merged into department stores; small firms into large corporations; large corporations into still larger "trusts." In the East, the making of "ready-made" clothing became a mighty factory industry, and new leather-sewing machinery built up huge shoe-factories. In the West, the farmer's grain was no longer ground in a neighboring



mill on some small stream, but in great flour centers like Minneapolis; and his bees and hogs went, not to a village slaughter-house, but to the vast meat-packing industries of Chicago. Even in agriculture this era of combination saw a new type of "bonanza farmers," each owning his thousands of rich acres in the Dakotas; and "cattle kings" seized on the immense feeding ranges of the Southwest.

In connection with new scientific knowledge, such combination brought vast saving of wealth. The old village slaughter house threw away horns and hoofs and hair and intestines: the great packing-house works up all these — "everything except the squeal" — into articles of use. Pine stumps were found valuable for turpentine; and the Southern cottonseed, formerly consigned to troublesome refuse heaps, was found highly valuable, first for fertilizing land, then for stock food, and finally for vegetable oils for human food. So, too, in countless other lines.

On the other hand, every change from small to large organization carried with it the cruel ruin of countless small "capitalists" (who had owned their own "stores" or shops) and usually also a grievous upsetting of the life-plans of whole classes of laborers — all involving physical and mental distress, suicide, and crime. Masses of ruined families have paid for every gain to the world — because society, which profits so splendidly from the changes, has never tried in earnest to learn how to insure its honest workers against such unfair loss.

Unhappily, this material growth was accompanied, too, by an amazing growth of business immorality. This tendency, noticeable before the war, had been strengthened by the flaunting success of corrupt army contractors, and was fostered for years afterward by the gambling spirit begotten of an unstable currency and of the spectacle of multitudes of fortunes made overnight in the oil wells of Pennsylvania or in the new mining regions of Nevada, Colorado, Idaho, and Montana. In later years, too, the tremendous power over credits possessed by railroad kings and by the heads of other

Business  
immorality

great consolidations of capital has tempted them constantly from their true functions as "captains of industry" to play the part of buccaneers in the stock market; and unreasonable profits in the regular line of business draw the controlling stockholders in multitudes of corporations to increase their own shares by juggling the smaller holders out of theirs.

Sometimes the controlling stockholders of a corporation turn its affairs over to an operating company — composed



*Courtesy of the Carnegie Steel Company*

SHEARING OFF STEEL SLABS.

of themselves alone — which then absorbs all the profits of the whole business in salaries or in other ways provided in the contract which the raiders have made with themselves. Or leading members of a railway company organize an inside company — like an express company — to which then the legitimate profits of the first company are largely diverted in the shape of excessive rates on certain parts of

the railroad business. Only one degree worse is the deliberate wrecking of a prosperous corporation, by intentional mismanagement, so that the insiders may buy up the stock for a song, and then rejuvenate it — to their huge profit. Step by step, the law has striven to cope with all such forms of robbery; but numerous shrewd corporation lawyers find employment in steering “malefactors of great wealth”<sup>1</sup> through the devious channels of “high finance” so as to avoid grazing the letter of the law.

One ruinous consequence of this lack of moral sense in business was a general indifference to the looting of the public domain by business interests and favored individuals. Thus, the forests on the public lands, with decent care, would have supplied all immediate wants and still have remained unimpaired for future generations. But with criminal recklessness, the people permitted a few individuals not only to despoil the future of its due heritage, but even to engross to themselves the vast immediate profits which properly belonged to present society as a whole. And, in their haste to grasp these huge profits, the big lumbermen wasted more than they pocketed, — taking only the best log perhaps out of three, and leaving the others to rot, or, along with the carelessly scattered slashings, to feed chance fires into irresistible conflagrations, which, it is estimated, have swept away at least a fourth of our forest wealth. Quaintly enough, this piteous spoliation and waste was excused and commended as “development of natural resources,” and laws were made or twisted for its encouragement.

Timber land, especially the pine forests of the Northwest, did not attract the genuine homesteader: too much labor was required to convert such lands into homes and farms, and the soil and distance from market were discouraging for agriculture. Such lands ought to have been withdrawn by the government from homestead entry. But, as the law was then administered, a man could “enter” a quarter

<sup>1</sup> A phrase of President Roosevelt's.



section, clear a patch upon it, appear upon it for a night every few months, and so fulfill all legal requirements to complete title, — after which he had perfect right to sell the valuable timber, which had been his only motive in the transaction. Multitudes, less scrupulous about legal formalities, sold the timber immediately after making entry, without ever “proving up” at all.

These individual operations were trivial in amount; but the big lumber kings extended their effect by hiring hundreds and thousands of “dummy” homesteaders to secure title in this way to vast tracts of forest and to turn it over, for a song, to the enterprising employer. Nor, in early years, did any one see wrong in this process. Condemnation, none too severe, was reserved for the lumbermen who took shorter cuts by forging the entries or by using the same “dummies” many times over, in open defiance of the law. In ways similar, but varied as to details, the *State* lands, too, became the legalized booty of private citizens.

This epidemic of waste and plunder had its golden age from 1870 to about 1890. Winston Churchill's *In a Far Country* and William Allen White's *A Certain Rich Man* are each a sort of “Pilgrim's Progress” allegory of American life in these decades, picturing its features, both good and bad, as no mere narrative can. Some thinkers, lacking in robust faith, despaired openly of democracy; and the courageous James Russell Lowell wrote sorrowfully of the degradation of the moral tone in America, —

“I loved her old renown, her stainless fame.

What better cause that I should loathe her shame!”

On the other hand, vigorous signs of new promise were not wanting. A passion for education possessed the people. The public high school was just taking full possession of its field. A new group of great teachers and organizers at new universities, — Andrew D. White at Cornell, James B. Angell at Michigan, Gilman at Johns Hopkins, Eliot at his reorganized Harvard, with their many fellows, — were setting up higher ideals for American scholarship, and

connecting scholarship as never before with the daily life of the people. About 1890, such institutions began to send forth trained, devoted, vigorous young men to the service of the nation in its battle with corruption and with entrenched privilege. Meantime, during the darkest years of material prosperity, some of the fine idealism of the Civil War period lived on — sometimes no doubt in blundering paths — in the movements of the Greenbackers and Prohibitionists and Grangers (below) to regenerate society.

## CHAPTER XXXVIII

THE POLITICAL STORY, 1876-1896

### CIVIL SERVICE AND THE TARIFF

UNTIL the Roosevelt administration, the average respectable citizen knew little definitely about the corruption rampant in business and politics, and was usually inclined to dismiss all accusations as groundless. One evil, however, was too spectacular to be ignored. In 1871 public opinion forced the unwilling Congress to pass an Act to rescue the Civil Service from the Spoils system. At first, President Grant seemed to favor the idea; but in practice he let his friends among the spoilsmen thwart the law and drive from office the men who wished to administer it honestly (page 267). And in 1874 Congress refused to renew the small appropriation for the work, — trusting to public disgust at the breakdown of the reform.

Agitation  
for Civil  
Service  
reform

President Hayes was in earnest in the matter. His few removals from office were mainly to get rid of spoilsmen — as when he dismissed Chester A. Arthur from the New York Collectorship of Customs — and he issued a notable "Civil Service order," quite in accord with the ideas of Jefferson and Gallatin, forbidding Federal employees to take part in political campaigns. This order, however, quickly became a dead letter. Post-office officials jeered at it; and the nation had not yet learned that no reform was possible except on this basis.

In 1880 the campaign was a struggle for office between the ins and outs to a degree unparalleled since 1824. Neither party took a stand on any live question. The Democrats railed at various Republican shames, but gave no assurance of doing better themselves. With a

The election  
of 1880



large part of the youth of the nation they were still discredited as "the party of disloyalty." The Republicans "pointed with pride" to their record as "the Grand Old Party that had saved the Union and freed the Slave," but they had no program for the future. Twenty years before, the Republican party had been the party of the plain people, typified by Lincoln; but during its long lease of power the desire for political favors had drawn to it all those selfish and corrupt influences which at first had opposed it. In the West two minor parties had appeared with real convictions, — Prohibitionists and Greenbackers, — but their numbers were insignificant.

In the Republican Convention a desperate attempt was made to nominate ex-President Grant, but the tradition against a third term was too strong. Ballot after ballot he received from 302 to 312 votes; but 379 were necessary, and the nomination finally went to a dark horse, — *James A. Garfield*. For the Vice Presidency the Convention named Chester A. Arthur, to rebuke Hayes' reform tendencies. The Massachusetts delegation presented a resolution favoring Civil Service Reform, but it was voted down overwhelmingly — a certain Flanagan, delegate from Texas, exclaiming indignantly, "What are we here for?"

During the campaign every Federal officeholder received a letter from the Republican National Committee *assessing* a certain per cent of his salary for the Republican campaign fund. Officials who neglected to pay these "voluntary contributions" were "reported" to the heads of their departments for discipline. The vast public service, of two hundred thousand men, was turned into a machine to insure victory to the party in control. The practice had never before been followed up with such systematic shamelessness.<sup>1</sup>

Garfield was elected by a large electoral majority, but with

<sup>1</sup> Such collections from officials were made an excuse by them for demanding higher salaries. As always, the people paid. The following contrast shows progress in outer decency, at least: in a recent campaign (1916) the Republican National Committee asked thousands of voters for subscriptions; but the circular closed with the injunction, — "If you are a Federal officeholder, please disregard this request."

only some 10,000 votes more than his opponent in the country at large. *The new President found a third of his time consumed by office-seekers.* They "waylaid him when he ventured from the shelter of his home, and followed him even to the doors of the church where he worshipped." Four months after his inauguration he was murdered by a crazed applicant for office.

Meantime, more scandal! T. W. Brady, one of the highest officials in the postal service, had conspired with a group of contractors — including a United States Senator — to cheat the government out of half a million dollars a year. On certain "*star routes*," the legal compensation for carrying mail had been increased enormously by secret agreements for *pretended* services, and then the surplus had been divided between the contractors and the officials. When investigation began, Brady demanded that Garfield call it off. Not gaining this favor, he published a letter written by Garfield during the campaign, showing that he (Garfield) had urged the collection of campaign funds from officials. On the other hand, President Arthur surprised the reform element by his good sense and firmness, by the cordial support he gave to Civil Service Reform, and by the faithfulness with which he pressed the trial of the star-route thieves.

Those trials were spectacular. Important newspapers impudently whitewashed the criminals; and insolent boasts were made freely that no jury would convict such "high and influential men." Through technicalities and delays, the bigger criminals did all escape.

These events focused attention again on the need of civil service reform. Congress, however, remained deaf in the session of 1881-1882; and, in the congressional elections of 1882, another assessment letter to Federal officials was signed by three leading Republican statesmen. Popular indignation at these offenses made itself felt in the elections, and the next session of the chastened Congress promptly passed the *Civil Service Act* (January, 1883), providing that vacancies in certain classes

The  
Star-route  
scandal

Victory for  
Civil Service  
reform

of offices should be filled in future from applicants whose fitness had been tested by competitive examination, and that such appointments should be revoked afterward only "for cause." A *Civil Service Commission*, also, to oversee the workings of the law, was established. The law did not apply to *heads* of large offices, or to any office where the President's nomination requires confirmation by the Senate; and it was left to the President to *classify* from time to time the offices to be protected. President Arthur at once placed some 14,000 positions under the operation of the law.

For nearly twenty years, Mr. Blaine had been the idol of the Republican masses, and in 1884 he at last won the nomination for the Presidency — despite earnest opposition from a large "reform" element led by veterans like Carl Schurz, Andrew D. White, and George William Curtis, editor of *Harper's Weekly*, and by ardent young men like Henry Cabot Lodge of Massachusetts and Theodore Roosevelt of New York. The reformers took their defeat in various ways. Lodge swallowed his chagrin and supported the ticket. Roosevelt went west, to begin his ranch life in Dakota. The greater number became "Mugwumps," and supported *Grover Cleveland*, the Democratic candidate.

Cleveland had attracted attention as governor of New York by his stubborn honesty and his fearless attitude toward the corrupt Tammany machine. His friends jubilantly shouted the slogan, — "We love him for the enemies he has made"; and he was elected as a reform President, with the civil service issue in the foreground. But the great body of Democratic politicians were secretly or actively hostile to civil service reform; and the President's position was more difficult even than Jefferson's had been three generations before. In spite of the recent law, every Federal official was still a Republican. The democratic office seekers were ravening from their quarter-century fast; and their pressure upon the head of their party for at least a share in the public

Blaine and  
Cleveland  
in 1884

Cleveland  
and the  
Civil Service



service was overwhelming. With all his unquestioned sincerity and firmness, the President gave ground before this spoils spirit far enough to drive many Mugwumps, in disgust, back to the Republicans. Still, the administration marks a notable advance for a non-partisan service. It definitely established the principle of Hayes' Civil Service order against "offensive partisanship" by officials, prevented political assessments, and doubled the "classified" list.

When Cleveland became President, the war tariffs were still in force. By the trend of history, too, high protection had become associated in the thought of the North with the preservation of the Union and the free-  
Cleveland  
and the  
tariff
ing of the slave; and the special interests, thriving on protection, knew how to take shrewd advantage of this habit of thought among the people.

With dogged persistence, Cleveland strove to lead the Democratic party to take up tariff reduction. In message after message, he called attention to the dangerous piling up of the surplus from the needless revenue; to the consequent opportunities for extravagance and corruption in expenditure; and especially to the unjust burdens upon the poorer classes of society from tariff taxation. In December, 1887, his message was given up wholly to this one topic, denouncing the existing tariff fiercely as "vicious" and "inequitable." During the following summer, by such argument, and by a despotic use of the President's power of "patronage," the House was spurred into passing a reform "Mills bill,"<sup>1</sup> placing a few important articles on the free list and reducing the average tax from 47 per cent to 40; but this measure failed in the Republican Senate.

In the "educational campaign" of 1888, for the first time for almost sixty years, the tariff was the leading issue before the people. Blaine had replied to Cleveland's epoch-making message of '87 by a striking "inter-  
And the  
election  
of 1888
view," cabled from Paris, setting up protection as the desirable *permanent* policy. The Republican party

<sup>1</sup> Roger Q. Mills of Texas was the chief author of the measure.

rallied to this standard. Its platform declared for reduction of internal taxes (on whisky), in order to remove opportunity to reduce tariff income. Orators like William McKinley represented tariff reduction as "unpatriotic" and "inspired by our foreign rivals," and defended the cheapening of alcoholic drinks by urging that "taxation is not designed as a means of grace." Even the Republicans of the Northwest, where Republican conventions in State after State had been calling for reform, were whipped into line by the plea that the tariff, if revised at all, should at least be revised "by its friends."

The debate was marked by a notable shift of ground on the part of protectionists. Clay and the earlier protectionists advocated protection for "infant industries," as a *temporary* policy. This argument hardly applied now that those industries had become dominating influences in the country. Greeley, in the forties and fifties, had modified it into a plea for protection to higher wages for American workingmen compared with European laborers (page 476). This now became the general argument. It failed, however, to take account of the higher cost of living because of the tariff; nor was evidence submitted to show that the protected industries really paid higher wages in return for their tariff privileges.

The Republican manager, Matthew Quay, Senator from Pennsylvania, was a noted spoilsman, and had been publicly accused in Congress, without denial on his part, of having stolen \$260,000 from the treasury of Pennsylvania while an officer of that State. He now called on "protected" manufacturers for huge contributions to the Republican funds,<sup>1</sup> and, according to general belief, spent money more freely than ever before in buying votes in doubtful States. One scandal, made public a little later, was long remembered. A member of the Republican National Committee wrote to political lieutenants in Indiana, on which State it was thought the election would turn, — "Divide the 'floaters'

<sup>1</sup> This and other evil features of the political campaigns of this era are presented in Blythe's striking political novel, *A Western Warwick*.

into blocks of five, and put a trusted man *with the necessary funds* in charge of each five, and make him responsible that none get away and that all vote our ticket."

With the secret aid of the Democratic Tammany machine in New York, the Republicans elected *Benjamin Harrison*, though he had 100,000 fewer votes than Cleveland. An orgy of spoils The Republican platform had promised an extension of civil service reform; but for months after the victory, the spoils system was rampant. Clarkson, the Assistant Postmaster-General, earned the title of "the Headsman," by gleefully decapitating 30,000 postmasters in the first year; and, amid the applause of the Senate, Ingalls of Kansas declared, — "The purification of politics is an iridescent dream; *the Decalogue and the Golden Rule have no place in a political campaign.*" This attitude of prominent spoilsmen was rebuked, however, by the people in the Congressional elections of 1890, and President Harrison appointed to the Civil Service Commission Theodore Roosevelt of New York. This fearless young reformer at once injected new energy into the administration of the law, and rallied a fresh enthusiasm among the people to its support by his vigorous use of language. Hitherto, the spoilsmen had reviled the mild-mannered gentlemen of the Commission at will: Roosevelt gave back epithet for epithet, with interest, — as when he affirmed that a great part of the political contributions extorted from reluctant officials was "retained by the jackals who collected it."

The Republicans called their victory "a mandate for protection," and the McKinley Tariff of 1890 raised rates even above the war standard. The committee in charge of the framing of the bill held "public hearings," at which any one interested might appear, to present his needs and views. The McKinley Tariff of 1890 In practice, this resulted in hearing at great length the claims of the scores of great manufacturers, but hardly at all the claims of the millions of small consumers. Thus the Binding Twine trust secured the power to tax every sheaf of the farmer's grain, by a tariff on twine, in spite of earnest



but less organized opposition by the farmers of the country. "Special interests" shaped the law, as Randolph had warned the nation a century before.

A novel feature of the bill was its "*reciprocity*" provisions. Foreign countries, incensed at our exclusion of their products, were threatening retaliatory tariffs on American foodstuffs; and even Blaine had criticized the bill sharply, in its original form, on the ground that it failed to "open the market to another bushel of grain or another barrel of pork." Finally, it was arranged that the President might provide by treaty for the free admission of raw sugar, coffee, molasses, and hides, from any country which would admit free our products. Some treaties of this nature were afterward negotiated with Central and South American countries.

An immediate rise in prices on manufactures<sup>1</sup> made the new tariff highly unpopular, and the congressional elections of 1890 witnessed a "landslide" for the Democrats. Various House bills for tariff reduction, however, were buried in the hold-over Senate; and the surplus in the Treasury had now been dissipated by a huge increase in pensions for the veterans of the Civil War.

Cleveland's first administration had witnessed a savage raid on the Treasury in the form of thousands of *special* pension bills. Many of these applied to meritorious cases which even the generous provisions of the general law did not reach; but hundreds of others were gross frauds, which, in many cases, had already been exposed by the regular pension bureau. Cleveland vetoed 233 private pension bills.<sup>2</sup> Then Harrison's administration saw the pension rolls doubled by a new general law,

<sup>1</sup> The rise reached many forms of foodstuffs. Thus canned goods were raised because the canners had to pay more for highly protected tin plate.

<sup>2</sup> In other respects, also, Cleveland gave a new vigor to the veto power. President Johnson, in his Reconstruction quarrel with Congress, vetoed 21 bills, — many more than any predecessor, — though several of these vetoes were overridden. Grant used the veto 43 times in his two terms. Up to Cleveland's accession, there had been in all only 132 Presidential vetoes. In his first term Cleveland used the power 301 times. Cf. page 458.

with an increase of annual expenditure for this purpose from 88 millions to 159 millions. The same four years (1889-1893) saw the yearly expenditure for the navy mount from 17 to 33 millions. The Fifty-first Congress was the first "Billion-Dollar Congress"—but little of the increase in appropriations went to anything but war past or future.

The rebound against the McKinley Tariff elected Cleveland again in 1892. The Democratic platform had declared frankly for a tariff "for revenue only." During the campaign, however, the leaders felt impelled to promise that reductions from existing rates should be made gradually, so as to permit business to readjust itself safely. Moreover, tariff reform was now hampered by currency questions, which had thrust themselves into the foreground (page 604 ff.). A "Wilson Bill" did pass the House in form fairly satisfactory to tariff reformers; but in the Senate, where the Democrats had a bare majority anyway, several members deserted in order to secure protection for interests which they represented (sugar in Louisiana, iron in West Virginia and Alabama, and so on), and amended the bill into what President Cleveland called bluntly a measure of "party perfidy." A Congressional investigation revealed also the disgraceful fact that prominent senators had been buying stocks whose value would be raised by their votes for protection. Still Cleveland felt constrained to let the bill become law—as the best thing attainable. It reduced the average of the duties from 49 to 40 per cent; and it was accompanied by a sop to the radicals in the shape of a tax of two per cent on all incomes over \$4000.

But this compensation to the poorer classes was at once nullified. The Supreme Court declared the income tax unconstitutional, on the ground that it was a direct tax but not apportioned as the Constitution orders for direct taxes (Art. I. sec. 2). During the War, precisely such a tax had been in force, and in 1875 the Court had decided unanimously that it was constitutional. In this like case,

Election  
of 1892

And the  
"Wilson  
Tariff"  
of 1893

The  
Supreme  
Court  
nullifies the  
income tax

twenty years later, the Court at first divided equally, four to four. Public feeling was intense. The conservative moneyed classes were represented before the Court by the great lawyer, Rufus Choate, who declared that such a tax would "scatter to the winds the very keystone of civilization — the rights of private property." On the recovery of a sick Justice, the case was heard again. The Justice before absent now voted for the tax; but Justice Shiras, who had before voted for it, now changed to the opposition. Conservatives exulted loudly. Said the *New York Sun*, "The wave of socialistic revolution has gone far, but it breaks at the foot of the ultimate bulwark set up for the protection of our liberties. Five to four, the Court stands like a rock." On the other hand the stern disappointment of the reform elements was voiced by Justice Harlan in an able dissenting opinion which was marked by unusual emotion and which let it be seen that the Justice felt that the great Court had struck a cruel blow at American institutions. The modern verdict upon the decision, and upon its effect on society, is expressed well by Professor Davis Rich Dewey: "Interest in the tax itself was lost sight of in the revelation of fickleness and uncertainty in the highest court of the land." It was particularly unfortunate that such shiftiness should have operated as a protection to the wealthy classes only.

The election of 1896 was won by the Republicans on the issue of "sound money" (page 608); but President McKinley The Dingley  
Tariff, 1897 claimed the victory as a mandate to renew the high protection policy with which he had personally identified himself. Accordingly, a special session of Congress enacted the Dingley Tariff, raising the average rate to 57 per cent. The bill did provide, it is true, that, during the two years following, the President might make treaties with foreign countries, abating a fifth of the Dingley rates in return for concessions to American commerce; and the Republican masses were led to look upon the exorbitant rates mainly as a club to force reciprocity. President McKinley, from time to time, submitted seven such treaties to the Senate, but



that body, with an extreme of bad faith, hearkening only to the special interests which controlled the seats or fortunes of many members, *failed to ratify*. As with the preceding tariff, the bargain by which high rates had been secured was broken; and again the loss fell upon the poor. And "reciprocity"

Wherever the tariff did shield a raw material from foreign competition (as with wool), it gave a correspondingly higher protection to the manufacturer who was to use that material. Thus the wearer of woolen goods paid a double tax, — one to the wool grower, and another to the manufacturer. But, as a rule, those items which had been added to the bill with a pretense of protecting the farmers proved again deceptive. A duty was placed on hides; but the advantage was monopolized by the packing houses. The cattle raiser got none of it. He had to sell, as before, to the trust at its own price; but the trust could now make the shoe manufacturer pay more for leather. And the only noticeable result to the cattle raiser — and to every other "ultimate consumer" — was a higher price for shoes and harness. Critics pointed out, too, that the prohibitive duties on many foreign imports made it easier for monopolistic combinations to control prices and output. The years following the enactment of the Dingley Tariff were just the years of most rapid development of such monopolies. "*The tariff is the mother of the trusts*" became a popular cry.

Manufactures, of course, were tremendously stimulated. They now used most of the raw material produced in America. American mills forged their way into the markets of the world, and underbid English and German manufacturers in Russia, India, China, and Australia. American machinery even invaded France and England. To do this, the American manufacturer *sold his goods cheaper abroad than at home*, and, in part, was enabled to undersell the foreign manufacturer abroad by means of the unreasonable profits wrung from the American consumer. "Prosperity and the cost of living"

For a time the country was entranced by the appearance

of "prosperity." But gradually the idea gained ground that this was a manufacturer's prosperity, paid for by the consumer. The cost of living rose so rapidly as to become a byword. Between 1896 and 1904 it was computed to have increased a fourth.<sup>1</sup> This amounted, of course, to a savage cut in real wages and in all fixed incomes, and it rapidly created a serious problem for people of small means, to be tremendously augmented soon by the more rapid rise after the World War.

<sup>1</sup> The conservative figures of the Bureau of Labor place the increase in the period 1890-1909 at  $26\frac{1}{2}$  per cent. Of course the tariff was only one of several factors in the rise of prices. Another factor was the increased volume of gold — in which prices are measured (page 619). But this last factor operated all over the world, — in England, presumably, as strongly as in America. The rise of prices in England, however, down to the beginning of the European War in 1914, was only about a third of that in the United States.

## CHAPTER XXXIX

### ANOTHER PHASE OF THE POLITICAL STORY

#### GREENBACKS AND FREE SILVER

FOR thirteen years after the Civil War, the "Treasury notes" and the National bank notes were the *only* money in circulation. The government redeemed part of this "War currency" — by issuing new bonds in exchange for it — but gold did not come out of hiding. This paper money remained below par, usually at about 80 cents, and its value fluctuated somewhat, as Wall Street speculators forced gold up or down. In the summer of 1869 Jay Gould and "Jim" Fiske made an extreme attempt to "corner" gold, and on a certain "Black Friday" they drove its price up to 162. In other words, *a dollar of paper money was driven down in value to 61 cents*, and business everywhere was tottering to bankruptcy. Gould and Fiske had tried zealously to cultivate intimacy with President Grant and to woo him to their plans; but now, with the President's approval, the Secretary of the Treasury saved the business of the country, and crushed the Wall Street pirates, by throwing upon the market many millions of the government's gold reserve.

The government paid the interest on all its bonds in gold. This policy was necessary to preserve the nation's credit, but it had a repulsive side. The man who earned fifty dollars in the field, or who received that amount as interest on a small loan, had to take his pay at its face in paper; but the wealthy holder of a government bond, to whom fifty dollars of interest was due, could exchange his gold for sixty or seventy dollars in paper. Another kind of wrong was still more serious. In war time, paper money was worth perhaps fifty cents on a dollar. If a farmer then

"Green-  
backs"  
after the  
war

"Black  
Friday"



mortgaged his two thousand dollar farm for *half* its value, he received \$1000 in greenbacks (or \$500 in gold). Now, as paper appreciated, approaching par, and prices fell, the farmer's debt was doubled by the juggling tricks of a varying currency.

Many men who saw the abuse jumped at a deceptive remedy. The Democratic platform of 1868 called for "one currency for the producer and the bond holder," and urged that the government should pay its interest in greenbacks except when the bond specified gold. Local "Greenback" parties went further, demanding "fiat money" as a permanent policy. In 1876 the Greenback organization became national, with a candidate for the Presidency; and two years later, it cast a million votes.

But meantime the Republican party stood victoriously for the "resumption of specie payment." Congress provided for the accumulation of a gold reserve for that purpose, and, January 1, 1879, the Treasury announced its readiness to exchange gold for its greenbacks. Paper money rose at once to par — "as good as gold." A third of a billion remained in circulation; but ever since then the notes have been redeemable on demand.

The paper-money question belonged to the Reconstruction period. From 1890 to about 1900 another "cheap money" agitation cast all other issues into the background. This was an unfortunate demand for "free silver." Until 1873 any one could present gold or silver bullion at any government mint and receive back the value in coin. For forty years the law had fixed the "ratio" between the two metals as "16 to 1." At the beginning of that period, and for long before, an ounce of gold was worth sixteen ounces of silver for commercial purposes; and so the silver dollar was made sixteen times as heavy as the gold dollar. After 1850, the gold discoveries in California cheapened the value of gold; and the little silver that was mined between that time and 1870 could be used more profitably in the arts than at the mint, so that very little silver was coined.

In 1870 the market ratio of the metals was 15.57. A silver dollar would have been worth \$1.03, and they had all been melted down for this profit.

But, about 1870, new silver mines in Nevada and Colorado began to flood the markets with silver. Then, in 1873, Congress “demonetized” silver, — ceasing to authorize its coinage, except in small quantities for the oriental trade, and refusing legal-tender character at home to these “trade dollars.” At the same time, European countries began to abandon “bimetalism” for a gold standard. The increased output of silver, together with this decreased demand for it, forced down its value rapidly. By 1876, the ratio of silver to gold had fallen to 17.87; and by 1893 to 28.25, so that a silver “dollar” of the old weight was worth only 56 cents in gold; but the silver mine owners called vociferously for coinage at the old rate. Moreover, the farmers of the West and many ardent reformers were persuaded that the “crime of ’73” had been manipulated by the money monopolists of Wall Street to reduce the volume of the currency, and so enhance the value of their wealth. The more thoughtful advocates of silver believed that its unlimited coinage by the United States would restore silver to its old market value because of the increased demand; but the larger body of its supporters were animated by the crude fallacies of fiat money, such as had inspired the Greenback party.

It was quite true that there was not enough gold coined to make a proper basis for the growing business of the country. Consequently, money was appreciating in value, and prices depreciating. Creditors profited; debtors, like farmers with mortgages to meet, suffered. All reformers saw these evils. Some magnified them unduly, and caught impulsively at the proffered remedy of making silver a legal tender at the old rate. Their real problem was to curb the growth of special privilege in business and of corruption in politics, but they turned aside for a misleading economic doctrine. More logical reformers felt that a depreciation of the coinage would entail all the dis-

asters of cheap money and bring in evils worse than those to be cured. This unhappy division seriously delayed the reform of fundamental troubles in American life.

Both Republicans and Democrats shirked a positive position as to silver. Accordingly, in the West and South there sprang up the new *Populist party*, with a platform calling for the unlimited coinage of silver at 16 to 1, for a graduated income tax, postal savings banks, the "Australian ballot," direct election of United States Senators, an eight-hour day, government guarantee of bank deposits, and government ownership of railroads and of other natural monopolies. To the East all this seemed wild-eyed anarchism. But in the Presidential election of 1892, General James B. Weaver, the Populist candidate, secured 22 electors, with more than a million votes, to about five and a half millions to each of the main parties. Two years earlier, the party had captured several State governments in the West and South, and had sent forty representatives to Congress.

This Populist success induced Congress, in 1890, to pass "*the Sherman Act*," ordering a slight increase in silver coinage. The increase in demand raised silver for a time; but in 1893 the British government demonetized that metal in India, and it shrank to a lower point than ever before. Gold now was exported with a rush, and that remaining in the country was hoarded.

A periodic crisis, due once more to over-investment on credit, seems to have been about due; and it was hastened by widespread distrust of the currency and by uncertainty as to future action by Congress. In 1893 the crash came. Creditors began to insist on payments in gold. Nearly six hundred banks closed their doors, and more than fifteen thousand firms went to the wall, with losses amounting to a third of a billion. Industry was prostrated as at no previous panic. Farmers lost their homes, and the improvements of years, on small mortgages. Cities were thronged with hundreds of thousands of unemployed and



desperate men. Every large place had its free “soup kitchen,” and many towns, for the first time in America, opened “relief works,” to provide the starving with employment. And, in this crisis, President Cleveland had to increase the National debt heavily by selling bonds, in order to maintain the essential gold reserve in the treasury.

Cleveland  
and the  
bond issue

The law which had brought about Resumption in 1879 had very properly made it the duty of the President to maintain a gold reserve in the Treasury sufficient to meet any paper money presented for redemption. Now, in a few months, nearly half the reserve was drawn out (down to 68 millions) by Treasury notes so presented, while the panic had cut down the government’s revenues, so that no funds were available with which to buy gold. Thus President Cleveland had to increase the National debt by selling bonds. The banks paid gold for these bonds; but, owing to the clumsy confusion of our currency laws, they drew most of this gold out of the Treasury, just beforehand, by presenting Treasury notes there. “What was poured in through the funnel was first drawn out through the bung-hole.” By a quaintly vicious feature of the law, too, the Treasury notes had to be at once reissued. Thus, when the government had again to sell bonds, the same process could be repeated with the same currency, — in the dizziest of circles, — so that to maintain a balance of a few millions of gold the President had to sell 264 millions in bonds. To lessen the evil, he called the Wall Street bankers into conference, to pledge them to take the bonds without withdrawing the gold to do it with; but he was at once accused by the Radicals of granting the money power unreasonable secret privileges.

The campaign of 1896 (page 600) was a crisis in American history. President Cleveland had alienated the radical wing of the Democratic party by uncompromising hos-  
tility to silver legislation,<sup>1</sup> and the party split on that issue. The National Convention afforded a dramatic

The election  
of 1896

<sup>1</sup> It is, perhaps, fairer to say that this attitude seemed to the Radicals one more proof of Cleveland’s alliance with the “Money Power,” seen also, as it appeared to them, in his policy in the Chicago strike (page 649). Cleveland was a plodding, patient man of rugged honesty, and, for his day, he was a progressive

scene. *William Jennings Bryan* of Nebraska, a young man hardly known in the East, swept the great assembly resistlessly by an impassioned speech of splendid oratory and deep sincerity. The contest between silver and gold he pictured as a contest of wealth against industry. The gold men had made much of what they called the business interests. But, said Bryan, "the farmer who goes forth in the morning and toils all day, and, by applying brain and muscle to natural resources, creates wealth, is as much a business man as is the man who goes upon the Board of Trade and bets on the price of grain." Turning to the "gold" delegates, he exclaimed, "You shall not press down upon the brow of labor this crown of thorns. You shall not crucify mankind upon this cross of gold."

With tremendous enthusiasm, the Convention declared, two to one, for the "unlimited coinage of both silver and gold at the ratio of sixteen to one," and nominated Bryan for the presidency. To men of conservative tendencies and associations, the new leader seemed a demagogue. The Democratic Louisville *Courier-Journal* denounced him as a "dishonest dodger," a "daring adventurer," a "political faker"; and the New York *Tribune* reviled him as "a willing puppet in the blood-imbrued hands of revolutionists, — apt at lies and forgeries and blasphemies, the rival of Benedict Arnold and Jefferson Davis in treason to the Republic"! A strong faction of the Democratic party took the name of "Gold Democrats" and nominated a ticket of their own. The Republicans nominated William McKinley on a "sound money" platform.

The Democratic campaign was hampered by lack of statesman, deserving of more recognition from radical reformers than he received. In his final message to Congress, after his defeat had put him "out of politics," he warned the nation that great fortunes were no longer the result solely of sturdy industry and enlightened foresight, but largely of the "*discriminating favor of the government*" and of "undue exactions from the masses of our people." After leaving the Presidency, his services as a lawyer were sought by great corporations, but he always refused their retainers. No other president from Lincoln to Roosevelt did so much to arouse a progressive movement in this nation.

money; but the most was made of Mr. Bryan's oratory. Candidates had previously taken small part in campaigning. Mr. Bryan traveled eighteen thousand miles and spoke to vast numbers of people. The Republican coffers were supplied lavishly by the moneyed interests of the country; and the campaign was managed by Mark Hanna, a typical representative of the “big business” interests, — a virile and very likeable character, who honestly believed that the government ought to be “an adjunct of business,” and who, his admirers confessed, got what he went after in politics without scrupulous regard to means. Workingmen were intimidated by posted notices that the factories would close if the Democrats won; and many great business concerns placed orders with manufacturers with a provision for cancellation if Bryan were elected. This fear of business catastrophe (a fear largely manufactured) was a chief factor in the Republican success. But as Cleveland had committed the Democratic party to tariff reform, so *Bryan had now committed it for a time to the cause of the masses against the “special interests” and “privileged” capital.* Failing to make him out a villain, the conservatives tried now for awhile to take him as a jest; but all men had soon to recognize that a new force had come into American life.

At this point came an interruption to normal development, — the Spanish War and the question of imperialism.



## CHAPTER XL

### AMERICA A WORLD POWER

FOR some time our growing commercial interests had inspired a more aggressive foreign policy. Three notable incidents in this line preceded the war with Spain.

1. In Harrison's administration the energetic *Blaine* was Secretary of State. A cardinal point in his policy was to extend the influence of the United States over Spanish America. *In 1889* he brought together at Washington a notable *Pan-American Congress* which furthered commercial reciprocity and expressed a desire for standing treaties of arbitration between all American nations.

Pan-  
American  
Congress  
of 1889

2. For fifty years, the United States had held close *relations with Hawaii*. The islands had accepted Christianity from American missionaries; and American planters and merchants were the chief element in a considerable White population. American capital, too, was largely interested in sugar raising in the islands. The native government, under the influence of English and American ideas, had been brought to the form of a constitutional monarchy. In January, 1893, a revolution deposed the native queen and set up a provisional republic. The leading spirits of the new government were Americans, and they asked for annexation to the United States. To support this revolution, the United States minister to the old government ran up the United States flag, virtually declared a protectorate, and secured a force of marines from an American vessel in the harbor to overawe the natives.

The revo-  
lution in  
Hawaii

In his remaining weeks of office, President Harrison tried to hurry through a treaty of annexation; but Cleveland, on his accession, withdrew the treaty from the Senate, and

sent a special commissioner to the islands to investigate. The report revealed the revolution as a conspiracy, in which the American minister had taken a leading part to overthrow the government to which he was accredited; and the provisional republic, it was shown, was supported by only a small fraction of the population. Cleveland attempted to undo this "flagrant wrong" to a weak state. Despite the violent outcry of opposition papers, he "hailed down the American flag." Skillfully intrenched in possession by this time, however, the republican government maintained itself, unstably, against the native dynasty.

3. For half a century an obscure dispute had dragged along as to *the boundary between Venezuela and British Guiana*. In the eighties gold was discovered, and English miners began to crowd into the disputed wilderness. By 1895 the quarrel was acute. The English government made it clear to Venezuela that it intended to occupy the territory. Venezuela had already appealed to the United States for protection; and now our government insisted vigorously that England submit the matter to arbitration. Lord Salisbury, the English prime minister, declined. Then President Cleveland electrified the world by a message to Congress (December 17, 1895), recommending the creation of an *American* commission to determine the true boundary, and pointing out that war must follow if England should refuse to accept its award. Then England awoke to the fact that a serious quarrel was in progress. People, press, and public men made clear a warm friendship for the United States wholly unsuspected by the mass of Americans,<sup>1</sup> and it was immediately evident that even the irritating tone of American diplomacy could not arouse a war feeling. War with the United States on such an issue, said Lord Rosebery, the Liberal leader, "would be the greatest crime on record"; and the Conservative leader in parliament, Mr. Balfour, added that

The  
Venezuela  
arbitration

<sup>1</sup> This aspect of the affair was made more prominent by a remarkable display a few weeks later of war feeling in England against Germany.

such a contest would be invested "with the unnatural horrors of *civil* war." The ministry now offered to accept arbitration, suggesting, however, an *international* commission, in place of one appointed by our government alone, and the matter was so arranged. The commission reported in 1899, favoring the English contention for the most part, — a result perfectly satisfactory to the United States.

The English ministry now proposed to the United States a *standing* treaty for arbitration of future disputes between the two countries. The treaty was drawn up, and was strongly urged upon the Senate by President Cleveland and later by President McKinley. But the Senate, now in a period of degradation, preferred to play politics, and refused to ratify this proposal for an advance in world peace.

Then came the Spanish-American War. After 1824, only Cuba and Porto Rico were left to Spain of her once wide-lying American empire. In Cuba, revolt was chronic. Taxation was exorbitant; trade was shackled, in Spanish interests; and the natives were despised by Spanish officials. In 1895 the island was once more ablaze with revolt, — organized in great measure by a Cuban Junta in the United States and aided materially by filibustering expeditions from our shores. On both sides the war was barbarous. In particular, the cruel policy of the Spanish commander, *Weyler*, caused deadly suffering to women and children, gathered into *reconcentrado* camps without proper care or food. The "Gem of the Antilles" was rapidly turning to a desert and a graveyard.

American capitalists had large interests in the sugar industry in the island, and used powerful influences, open and secret, to secure American intervention, with a view to subsequent annexation by Congress. Such forces played skillfully upon the humanitarian sympathies of the American people, and on our habitual inclination to aid any movement on this continent for political independence. In 1897 the country was seething with discontent at the continuance of Spanish rule in Cuba, and Congress was eager for war;



but for some months more President McKinley held such impulses in check while he tried to secure satisfactory concessions to Cuba from Spain.

A new Spanish ministry, led by the Liberal Sagasta, did recall Weyler, placed the war upon a "civilized" footing, and offered the Cubans generous concessions; but a new situation hurried America into the war. Remember the Maine  
*February 15, 1898*, the American battleship *Maine*, visiting in Havana harbor, was blown up, with the loss of 260 of her men. The explosion may have come from a submarine mine operated by Cubans to produce the results which followed, or the mine may possibly have been operated by a few Spanish officers. No one now seriously believes that the Spanish government was responsible. At the moment, however, this was the almost universal assumption; and a vengeful cry for blood — *Remember the Maine* — reinforced irresistibly the previous call for American interference. Congress gave a solemn pledge that the United States would not hold Cuba for herself; and the American forces soon completed the task of expelling Spain.

A picturesque feature of the brief four months' struggle was the dashing career of the "Rough Riders." Officially, this force was the "First Volunteer Regiment of Cavalry." It was raised by Theodore Roosevelt, largely from his old associates among ranchers and cowboys in the West, with a sprinkling of Eastern football stars. Roosevelt resigned as Assistant Secretary of the Navy to become Lieutenant Colonel of this regiment. The decisive land-battle of the war was fought stubbornly along the paths of a tropical jungle near the city of Santiago, July 1, 2, and 3. Roosevelt marched his troops all night, June 30, to be in at the fight, and led them gallantly in "the soldiers' charge" up *San Juan Hill* into the Spanish intrenchments. The fame of "the Colonel" from these achievements, duly "featured" by the newspaper men with the troops, was soon to give a new turn to American politics, — not the least of the results of the war.

San Juan made it impossible for the Spaniards to long hold the harbor of Santiago. They had collected a strong fleet there, to threaten the seacoast cities of America, but it had been at once blockaded by a stronger American squadron. Fearing capture by our land army, the Spanish fleet now put to sea and scattered in flight. In the four hours' running fight that followed, every Spanish vessel was sunk or driven a blackened wreck on the shore, every man dead or captive, while no American vessel was injured and only one sailor was killed.

At the outbreak of the war, unfriendly German and French naval authorities had not hesitated to express their conviction (and apparently their hope) that the Spanish fleet would quickly drive the American from the sea. But even before this battle of Santiago, in a still more famous struggle the American navy had proven its superiority in sailing and in gunnery. When war was declared, *Commodore George Dewey* was in command of a small squadron on the coast of China. He sailed at once for the Philippines, then a Spanish possession, and, on May 1, entered *Manila Bay* over mine-strewn waters, destroyed or captured the Spanish fleet under the guns of the land fortress, and, in coöperation with native insurgents, began the siege of the city.

The blockade of Manila had its own spectacular incidents. Soon after Dewey's naval victory, European men-of-war began to gather in the harbor,—among them, three English ships and a strong German squadron. Germany had shown much sympathy for Spain, and the German commander at Manila, Admiral von Diedrich, now acted toward the Americans in a most disagreeable and irritating manner. He repeatedly disregarded the American patrol regulations, and finally landed supplies for the Spaniards in flat opposition to the American blockade. This brought a crisis. Dewey sent him a brusque protest, adding as the messenger was setting out, — “And say to Admiral von Diedrich that if he wants a fight, he can have it now.” In a rage, von Diedrich hurried to Captain

Chichester, the commander of the English war ships, and asked that officer bluntly whether he had instructions as to what to do if a conflict took place between the Germans and Americans. "I have," replied the Briton. "May I ask what they are?" insisted the German. "Ah," drawled Chichester, "only two persons here know that, — myself and Commodore Dewey." Thereafter von Diedrich was better mannered.

From the opening of the war, it is now known, Germany wished Europe to interfere upon the side of Spain, and she was kept from active hostility mainly by the pronounced friendliness of the English govern- And English sympathy ment for America. And this friendly English feeling was characteristic of all classes in that country. American visitors in England during the war tell us, often with amazement, how at the movies a picture of an American ship or an American officer always brought the audience to its feet in cheers, while Spanish pictures were signals for catcalls and jeers.

A chief lesson from the war was the unpreparedness and inefficiency of the War Department. The Spanish surrender in Cuba came none too soon. A few days more Government inefficiency would have seen the American army routed by disease. Medicines were lacking; transportation was insufficient; troops were sent to Cuba in midsummer clothed in sweltering woollens, with repulsive "embalmed beef" as a large part of their food. Red tape and mismanagement prevented any improvement even for some weeks after the struggle was over, until, largely at Roosevelt's suggestion, a number of officers joined in a "round robin," making the disgraceful and dangerous conditions public. Even at the recruiting camps in America, sanitation had been shamefully neglected: at Tampa and Chickamauga, more soldiers died from dysentery than fell in battle in Cuba.

In the treaty of peace, Spain left Cuba free, and ceded to the United States Porto Rico, Guam (in the Ladrones), and the Philippines, accepting \$20,000,000 in compensation for



the last. Other territorial expansion, too, came as a result of the war. In 1897 President McKinley had revived the New Possessions treaty to annex *Hawaii*. The necessary two-thirds vote in the Senate could not be secured; but after the opening of the Spanish War, Congress annexed the Hawaiian Islands by a *joint resolution* — as Texas had been acquired many years before. About the same time, several small islands in the Pacific, not claimed by any civilized power, were seized for naval and telegraph stations; and, in rearrangements at Samoa, due to native insurrections and to conflicting claims by England, Germany, and the United States, this country secured the most important island in that group.

In 1900 Hawaii was organized as a "Territory" on much the usual self-governing plan. Porto Rico, with its civilized but unfriendly Spanish population, presented a difficult problem. At present, the government contains a representative element, but real control rests in officials appointed by the United States.

On the whole the American pledge to leave Cuba independent was honorably kept, though the Cuban constitutional convention (of 1902) was required to consent America and Cuba that the United States might hold points on the coast for naval stations and should have the right to interfere, if necessary, to save the island from foreign encroachment or domestic convulsion.

Preceding the establishment of the Cuban Republic by this convention, there had been a necessary three-years occupation by American troops under General Leonard Wood. This military government brought great blessings to the island. It established order, relieved immediate suffering, organized a permanent and noble system of hospitals and schools, built roads, cleaned up cities, and created adequate water supplies. For the first time in 140 years Havana was freed from yellow fever. In the course of this amazing and beneficent sanitary work in the pest-ridden island, Major Walter Reed, a United States surgeon, proved

that yellow fever is transmitted by the mosquito bite. That discovery ranks among the foremost achievements of modern science. There is no praise too warm for the high resolve and steadfast heroism — unsurpassed amid the horrors of a battlefield — with which a splendid group of American officers risked their lives day after day in that obscure and baffling struggle against a disease that had long been a chief scourge of the human race.

The Philippines contain 115,000 square miles, broken into a thousand islands. Two thirds of these are too small for habitation; and half the total area is comprised in two islands. The eight million inhabitants range from primitive savagery, of the poisoned arrow stage, to civilization, and speak a score of different tongues and dialects. Five sevenths of the whole number are Catholics; the stalwart Moros are Mohammedan; the "wild" half million are divided among primitive superstitions. The centuries of Spanish rule have left much Spanish blood, mixed with native, in the more civilized districts; and commercial interests account for a considerable European population at Manila and some other ports.

In 1896 the islanders had attempted one of their many risings against Spanish rule. The Spanish government brought it to a close by promising reforms and paying the leader *Aguinaldo* to leave the islands. The reforms were not carried out, and only a part of the promised money was paid; and when Dewey was about to attack the Spanish in the islands, he invited Aguinaldo to return with him from China, in order to organize a native insurrection to coöperate with the American invasion. The insurgents hailed the Americans as deliverers, and took an active part in the siege and capture of Manila. Soon, however, the American commanders received instructions from Washington not to treat the islanders as allies, but to assert American sovereignty over them. This led to war. After two years of regular campaigns against 50,000 American troops, the natives took to guerrilla warfare — in which their ferocious

barbarities were sometimes imitated all too successfully by the Americans. In 1902 the United States declared the "rebellion" subdued.

It was after much hesitation that President McKinley's administration decided to hold the Philippines as a dependency — as England holds India. Certainly the policy was new for America, and it was at once attacked vehemently by the Democrats, and by many progressive thinkers outside that party, as *Imperialism*. The Anti-imperialists urged that such a policy not only involved bad faith with the Filipinos, but that it contravened the fundamental principles of our Declaration of Independence and that it must divert energy from our own problems.<sup>1</sup>

On the other hand, the Imperialists, or "Expansionists," insisted that the United States could no longer shirk responsibilities as a world power. The Filipinos, they said, were not fit for self-government; American sentiment would not tolerate returning them to Spain; and Dewey's conquest left America answerable not only for the Philippines themselves, but, more immediately, for European and American settlers and interests at Manila. These forces for expansion were reinforced, of course, by commercial greed and gross pride of power.

Imperialism was a leading issue in the campaign of 1900; but Mr. Bryan, once more the Democratic candidate, complicated the matter unhappily by forcing into the Democratic platform a declaration for the dying "16 to 1" cause. Again the reform forces were divided.

<sup>1</sup> Congress refused to recognize the Filipinos as citizens of the United States, distinctly rejecting the plea that "the Constitution follows the flag." It even refused to include the islands within the customs boundary of the United States. Our sugar trust and other protected interests demanded that the tariff on Philippine sugar, tobacco, and some other products be continued. In the main, Congress complied. The islanders had expected a free American market as one of the compensations for the lack of independence, and they regarded this policy as gross injustice, savoring of Spanish methods. The Supreme Court, however, by a series of decisions — usually by a five-to-four vote — upheld the authority of Congress to rule and tax these dependencies at will, since they "belong to" but are not "part of" the United States, as in the old Louisiana and Florida decisions.



Some radicals believed in "expansion," and others, fearing "imperialism," feared free silver more. Hanna, again the Republican manager, made skillful use of returned prosperity under Republican rule, appealing to workingmen with the campaign emblem of "the full dinner-pail." Mr. McKinley was reelected, with Theodore Roosevelt as Vice President.

"Free Silver" passed out of politics after this campaign. In 1890 gold was discovered in Alaska, and soon that wild country was pouring a yellow flood into the mints of the world — as new mines in South Africa had begun to do a little earlier still. Between 1898 and 1904, three quarters of a billion of gold money was coined in the United States. The debtor class could no longer claim that the value of gold was appreciating.

The passing  
of old  
issues

"Imperialism," too, soon ceased to be a burning question. At first the Philippines were ruled by a Governor-general and a Commission. These American officials gradually introduced a limited local self-government for the more civilized districts, and in 1907 a small electorate of natives were permitted by Congress to elect a lower House of a Philippine Assembly with slight legislative power. In 1913 President Wilson greatly extended the appointment of natives to responsible positions; and the Philippine Government bill of 1916 placed the islands very nearly in the position of a "Territory." The Governor and Vice-Governor are still Americans; all other officials may be Filipinos; the electorate was extended some fourfold; the upper House of the Assembly was made elective like the lower; and the Assembly was given control of all internal legislation, subject to veto by the President of the United States. The absurd tariff discriminations (note above) have been practically removed. A large party of the most capable and honorable natives are increasingly desirous of complete independence, but they feel it merely a matter of time until their end will be conceded them by better informed American opinion.

The first fruit of the new place of America as a World Power was the preservation of China. England had long held certain ports in that country, and within a few years Germany, France, and Russia had begun rapidly to seize province after province. In 1899 McKinley's Secretary of State, *John Hay*, sent a note to all powers interested in China urging them to agree that no power should shut out the citizens of other countries from its "sphere of influence" there. This "open door" policy, though disliked by Russia and Germany, already had the support of England, and it was favored, of course, by the small commercial countries. The forceful statement of the American position just at that time had much to do with preventing the threatened dismemberment of China. After the Boxer Rising, some of the large European powers seemed again about to take up their old policy of seizing "territorial indemnities." A strong protest from Secretary Hay induced them, however, to accept *money* indemnities instead. The indemnity paid by China to the United States, it should be noted, proved much too large; and, after all just claimants had been paid, the balance was honorably returned.

In this matter of the "Open Door," the immediate incentive of American policy was the wish to prevent the exclusion of American trade from rich Oriental provinces; but that policy fell in happily with the interests of civilization and humanity. The main opposition to the American policy — in ways both secret and open — came from Kaiser Wilhelm of Germany. In a moment of justifiable irritation at the German government's methods, Hay exclaimed, "I had almost rather be the dupe of China than the chum of the Kaiser."

While Hay was still engaged in this correspondence with European powers regarding China, an anarchist murdered William McKinley, and that suave, gentle, cautious President was succeeded by the impetuous, aggressive, positive Roosevelt. Hay remained Secretary of State. In 1904, at the opening of the war in the Orient

between Russia and Japan, Hay obtained pledges from both countries to respect the neutrality of China, and the next year Roosevelt intervened actively to bring about peace.

The accession of Roosevelt, it was soon plain, had brought a new force into American relations with foreign powers, but the main foreign problems of his administration had to do with Central America. The Latin states of America still need capital for their development, and sometimes they invite it by granting foreigners valuable franchises and "concessions." Sometimes, too, a corrupt government sells such "concessions" for far less than their value — to fill its private pockets. All such grants, corrupt or legitimate, are apt to be resented by the native population, and are sometimes revoked by succeeding governments. In this, and in many other ways, foreigners acquire claims against these countries which the states are unwilling or unable to pay. The United States has long taken the ground that the use of national force to recover such claims for a private citizen is improper. England has *usually* adhered to the like policy. But other powerful nations have commonly shown a readiness to collect such private debts for their citizens by force or threats of force. In 1902 ten European countries had claims, aggregating some \$38,000,000, against Venezuela. Castro, President of the Republic, defied the claimants. Finally Germany and England began a blockade of Venezuelan ports. It soon became plain that Germany aimed at permanent occupation, and England withdrew her vessels. Then Roosevelt proposed arbitration to the Kaiser, and, when the suggestion was ignored, he abruptly forced the withdrawal of the German fleet by the threat of instant war.<sup>1</sup> The subsequent arbitration revealed gross padding and unreasonableness in the European claims; and the commission cut the amounts down to less

<sup>1</sup> This fact was not made public until after the opening of the World War. At the time, Roosevelt permitted the Kaiser to share in the credit for arranging arbitration.



than eight millions. Then, *under pressure from this country*, Venezuela made provision to pay this amount.

This last event has been said to create a "*New Monroe Doctrine*." Europeans had long expressed the opinion that if the Monroe Doctrine made us the protector of semi-anarchic communities against just claims, then we must ourselves see that such debts were paid. Roosevelt seemed to assent to this doctrine. He took the ground, in this dispute, that if "chronic wrong-doing" or "impotence" in any American country called for intervention, then it would become necessary for the United States to "exercise an international police power." In 1904 he went even further, when he stepped in to obviate European intervention in bankrupt San Domingo, by virtually making the United States the "receiver" for that country in behalf of its creditors, — a course that has ever since entailed troublesome relations with that island, culminating in despotic military rule by United States naval officers and marines for many years, with much bloody slaughter as recently as 1920. This policy has been severely criticized also on the ground that it encourages foreign capitalists to engage in the wildest financial schemes in South America, guaranteeing them their claim through United States intervention.

More important still was the movement for the Panama Canal. In 1881 a French Panama Canal Company began work at the Isthmus, but eight years later the project came to an ignoble end in financial scandal, with little to show for the \$260,000,000 expenditure. Secretary Blaine was then desirous of making the Canal the concern of the United States government; but the Clayton-Bulwer treaty prevented. The Spanish War brought the matter forcibly to public attention again, — especially when the battleship *Oregon*, much needed to reinforce the American Atlantic squadron, had to circle the Horn to get to Cuban waters. The American people began to demand an inter-oceanic canal under American control; and the extremely

United  
States'  
responsi-  
bility for  
Spanish-  
American  
debts

The Panama  
Canal

cordial attitude of England during the struggle made it easy now to secure from her a waiver of her rights under the ancient treaty. Then in 1902 the United States bought up the rights of the Panama Company. The government was unwilling, however, to undertake so vast a work unless it could secure sovereignty over a considerable strip of territory, so as to police the route effectively. Colombia refused the treaty urged upon it by President Roosevelt. The American government felt that it was being held up for unreasonable



PANAMA CANAL: at the Ninafiores Locks, looking north, showing *S. S. Santa Clara* in lower west chamber, ready for water to be lowered to sea level.

booty. Two weeks later an opportune revolution in the little republic separated Panama from Colombia. American naval forces were so disposed as to assist the revolution materially; and ex-President Roosevelt has acknowledged that the revolt was directly manipulated from Washington. (Said he frankly some years later, "I took Panama.") The new Panama Republic immediately made the necessary cession to the United States.<sup>1</sup> Then the Canal was under-

<sup>1</sup> In 1918 President Wilson's administration negotiated a treaty to satisfy Colombia, by the payment of \$25,000,000. The Senate Committee on Foreign

taken as a National project. Astounding problems of labor, sanitation, supplies, and engineering were solved effectively, and in 1915 the Canal was formally opened.

The United States took a creditable part at the Hague Conference in 1899 and at the second meeting in 1907.

During the years 1903-1905 thirty-three separate treaties between various European powers provided for arbitration of international differences by the Hague Tribunal or some other standing commission. In all this the United States had no part. In 1904 ten such treaties negotiated by Secretary Hay with important countries were submitted to our Senate for ratification, with the strong indorsement of President Roosevelt. The Senate, influenced by general factiousness and by dislike of the strenuous President, rendered the treaties useless by unacceptable amendments, as it had rejected the earlier proposal of like character between England and the United States (page 612). Some like treaties were afterward ratified, but during the sessions of 1911 and 1912, the Senate showed marked hostility to another extension of the principle of arbitration strongly urged by President Taft.

All these treaties, too, left loopholes for passion and war by exempting from arbitration questions "affecting the national honor." In 1913-1914, Mr. Bryan, as Secretary of State for President Wilson, did secure the ratification of treaties "further to promote peace" with England and France, and with many smaller states, providing in each case that the two parties shall submit *all* disputes to an impartial tribunal *for investigation and report*, with a year's interval for negotiation and reflection, before making war. But the absence of Germany's name from all these lists of arbitration treaties, and her defeat of England's proposals for disarmament at the Hague Congresses were ominous of peril. In the absence of effective provision for world disarmament, there was still no assurance of continued peace.

Affairs reported favorably on this treaty, but it has not been approved by the Senate.

The Hague  
Conference  
and arbitra-  
tion



## CHAPTER XLI

### THE PEOPLE VS. PRIVILEGE

*The fundamental division of powers in the Constitution of the United States is between voters on the one hand and property owners on the other. The forces of democracy, on one side, divided between the executive and the legislature, are set over against the forces of property on the other side, with the judiciary as arbiter between them.* — ARTHUR T. HADLEY, President of Yale, in *The Independent*, April 16, 1908.

ABOUT 1890, social unrest was becoming the most marked feature of American life. The "business age" since the Civil War had seen wealth multiply enormously; but that wealth had become more and more concentrated in a few hands, and those hands more and more dominated politics and the daily life of every citizen. In nearly every State of the Union, in the late sixties and the seventies, groups of keen, forceful men, more farsighted than their neighbors, grasped for themselves the main resources and opportunities, — mines, forests, water power, lines of easy rail communication, and so on. These rising capitalists then reached out for *special privileges*. To obtain these, they set themselves deliberately to fill legislatures, courts, and governors' chairs with their creatures, and to entrench themselves behind laws framed for their advantage. The old forms of popular government were untouched; but the people had let real mastery in city, State, and Nation slip to a narrow plutocracy, which fed fat at the general expense and made the "representatives" of the public its private errand boys.

The industrial organization had come to *produce* wealth with gratifying rapidity, but failed to *distribute* it well. Between 1860 and 1900 the ratio of wealth to population (per capita wealth) was magnified by four, but the

average workman was not four times better off. According to careful investigation by the Bureau of Labor, he was only a fourth better off, while great multitudes were vastly worse off. Nine tenths the vast increase of wealth went to one tenth the population, while at least two tenths of the people were reduced to a stage of poverty where health and decency are imperiled. The tenth at the apex of the social pyramid contains real "captains of industry," but it contains also pirates and parasites. Service to society has less to do with its revenues than plunder and privilege have. The two tenths at the base of the pyramid contain many men whose poverty results from physical or mental or moral lack, — though these qualities are quite as often a result of poverty as a cause, for it is even truer now than in Solomon's day that "the destruction of the poor is their poverty"; but the base contains also multitudes of willing, hard-working, sober men and women who deserve a chance, now denied, at decent, useful, happy lives.<sup>1</sup> America is rich, but too many Americans are horribly poor. And this modern poverty is harder to bear than that of colonial times because it seems less necessary. Then there was little wealth to divide. Now the poor man is jostled by ostentatious affluence marked by wasteful and sometimes vicious expenditure. Moreover, in the early day, when no man was very rich anyway, there was always one lever within reach to help lessen the inequalities, — namely, free land at every man's door. Since 1800 this condition has been increasingly remote, — appertaining to a distant frontier, — and *since 1890 it has disappeared from American life.*

Combination in the management of industry follows naturally from modern facilities like the railway and the

The failure  
in distribu-  
tion of  
profits

<sup>1</sup> During 1907-1909 a committee of the New York Association of Charities and Corrections to study the standard of living in New York City investigated many hundreds of families in different strata of working people. These studies proved definitely that at that time of "prosperity," a very large proportion of working men's families received an income too small to maintain physical efficiency even with the best of management — though medical care and dentistry were secured through free dispensaries and though no allowance was made for savings.

telegraph. It makes possible the use of costlier machinery, utilizes former wastes into by-products, and saves labor of hand and brain. This ought to mean a coöperative saving for all: in actual fact, it has meant too often a monopoly privilege of plunder for a few. The problem of the age is to secure the proper gains of inevitable and wholesome combination and at the same time to restore to the individual his industrial and political liberty. For a generation after the war that freed the slave, moral enthusiasm had small place in politics. Commercialism held the reins. New evils grew upon the life of the people with little check, so long as they threw no immediate obstacles in the path of "prosperity's" chariot wheels. But about 1890 a new tide of moral earnestness began to swell in American life, comparable only with that which marked the days of Abraham Lincoln. Again the people heard the call to line up in a struggle for Social Justice against Vested Wrong and Special Privilege, which, like the Slave Power, reaped where they had not sown. The Nation awoke shamed; but it awoke in the dark, enmeshed in a net of intangible chains — not least powerful among which were the old traditions of an age of free competition which had passed away from all but the imagination — and it found itself for a time curiously unable to grapple with its enemy. The struggle is best seen in the story of the railroads, of the trusts, and of political corruption.

### RAILROADS

In the 70's, railway construction had outrun the real business demand, and the roads were driven to ferocious and ruinous competition. In '73 came a "panic," properly known as a "railroad panic." Over-capitalization  
Railroad presidents explained it on this ground of over-investment; but another cause, at least as important, was over-capitalization. The operating companies really were poor; but the men who had built the roads, and "inside" manipulators like the Goulds and Vanderbilts, had become fabulously



rich. Often they had put in practically no money, — building the roads from National or State grants,<sup>1</sup> or with money borrowed by bond sales, secured on the future road. Then they had sold stock, to any amount which they could persuade a credulous public to buy, pocketing the millions of proceeds, and leaving the corporations upon which they had “unloaded” to extort in rates from the people the interest not only on the legitimate investment, but also on this “water.”

The public-service corporations, such as railroads and city gas companies, have peculiar facilities for selling such over-issues of stock because of the monopoly privilege conferred upon them by society. Indeed, “watered stock,” upon which dividends can really be paid, represents monopoly, natural or artificial. Whenever dividends become so large as to incur danger from popular indignation (say 12 per cent), it has been the practice of public-service corporations to disguise their profits by issuing more stock (each holder receiving perhaps two shares for one). The company then claims the right to charge enough to pay a “reasonable” dividend of at least 6 per cent upon this “water,” urging especially the rights of “widows and orphans” who have acquired stock by innocent purchase. Such dividends represent an unreasonable tax upon the community, including multitudes of other widows and orphans, who are forced to pay higher prices for almost all commodities. Until

Watered  
stock a  
product of  
monopoly

<sup>1</sup> Before 1873, more than 150 millions of acres had been granted to railroads out of the public domain (about as much as passed to settlers under the Homestead Act up to 1900) besides lavish “bounties” paid by rival towns along possible routes. In 1872 every party platform demanded that such grants cease. President Cleveland’s first Message (1885) dwelt upon the shamelessness with which the nation’s “princely grants” for public uses had been “diverted to private gains and corrupt uses,” and Congress then enforced the forfeiture to the government of many million acres, for non-fulfillment of contracts by the companies. The worst offenders, however, could no longer be reached. When Mr. C. P. Huntington (one of the magnates who had wrung vast fortunes out of Pacific railroad manipulations) was told that the government would take possession of his road if he failed still to keep his contracts, he answered callously: “Quite welcome. There is nothing left but two streaks of rust.”

quite lately, little attempt was made to prevent stock-watering, and public control is not yet efficient. In general, when the "water" has once been marketed, the courts have protected the corporations in their claims to dividend-paying rates.

In the five years following the panic of '73, half the railway mileage in the country was sold under the hammer or passed into the hands of "receivers." This condition gave special opportunity for strong lines to absorb weak ones, and explains in part the rapid consolidation of that period (page 584). That consolidation put an end to the worst of the old cut-throat competition for freight business. Still further to prevent rate-wars, the roads within a given territory (as between Chicago and New York) adopted the plan, about 1880, of throwing all earnings into a common "pool," to be divided according to a set ratio. This device restored the railroad to its natural place as a monopoly.

True, with the swelling of business, freight rates continued to fall <sup>1</sup> — *but not so fast as did the cost of transportation*, because of bigger engines, larger train-loads, and longer hauls. The public did not get its share of the saving. Railway profits rose so as to permit high dividends upon the watered stock, even after wasteful management. In fixing rates for localities where *one road* controlled the freight business, the maxim early became "*all the traffic will bear*." <sup>2</sup> The road, existing by virtue of a franchise from the people, and sometimes built by other gifts from the people, extorted from the people all their surplus profits above what it seemed advisable to leave them in order to induce them to go on

Railway  
consolida-  
tion

And rates

Discrimi-  
nation

<sup>1</sup> In 1865 the average rate for one ton one mile was about 2 cents. By 1877, it was  $1\frac{1}{2}$  cents, and in 1900 only  $\frac{1}{4}$  of a cent. But in spite of these low averages, many localities paid much higher rates. Moreover, long hauls, as in carrying Montana cattle to Chicago, or Kansas wheat to New York, cost so much less than small local business that the roads made huge profits at the lowest rates — while even those "low" rates confiscated the inland farmer's profits.

<sup>2</sup> In 1885 a committee of the United States Senate asserted that railroad rates generally were based, not on cost of service, but on "what the traffic would bear."

producing more freight. Roads used their power, too, to destroy one city and build up another, sometimes perhaps to give a chance to those "on the inside" for profits in real estate. Often they *avored large cities at the expense of small ones*, and *gave lower rates to large shippers than to small ones*. This last and worst abuse was secret, and the companies were sometimes the unwilling victims themselves. To get the business of great shippers, they felt compelled to submit to demands for secret rates; and sometimes they even favored such a shipper by imposing a particularly high rate upon a competing shipper. At one time the growing Standard Oil Company ordered a railway to "give another twist to the screw" upon a rival oil company which it desired to put out of business.

For long the intense desire for railway advantages prevented attempts at public regulation of these abuses. The region northwest of Chicago and west of the Mississippi in the sixties and seventies was peculiarly the creation of the railway. While these communities were in their hopeful youth, they had eagerly offered every possible inducement to railway promoters. Later, especially in periods of business depression, they began to feel keenly the mastery of the railway over their fortunes, and to agitate against it. In the early seventies, over the Northwest there sprang up  
 The organizations of farmers calling themselves "Pa-  
 Grangers trons of Husbandry,"<sup>1</sup> or *Grangers*, to do away with unfair railway discrimination and unduly high rates. They held the railway a *quasi-public* business, subject to public regulation through legislation, as the ferryboat and inn had been regarded for centuries by the Common Law; and under their impulse several States fixed freight rates by law. In 1871 Illinois took the wise method of appointing a State Railway Commission to fix rates and prevent discriminations. This example was soon followed throughout

<sup>1</sup> Each local organization was a "Grange." It was a farmers' club; the men talked politics at the meetings, while the women got a picnic supper ready. These "granges" were federated in State organizations. The Grangers were the first workingmen's party in rural districts. The most complete study of the movement is in Solon J. Buck's *The Agrarian Crusade* (1920).



the West and Southwest, and much other restrictive legislation was adopted.

The railways, and the Eastern bondholders whose money had largely built them, railed at all such legislation, not merely as unwise but as wicked and confiscatory. The railway, *they* held, was a private business; and legislatures had no more right to fix its rates than to fix the price at which a store should sell shoes. In 1877, however, in a famous decision (*Munn vs. Illinois*) the Supreme Court declared that such institutions as railways and warehouses existed *subject to the power of the body politic to regulate them for the public good*. American law took a great step forward in this decision. And it came about because the disorderly, debtor, relatively ignorant West, under the pressure of its needs, had seen further than the cultured, wealthy, comfortable East.

And their  
bequest to  
America

Much of the Granger legislation was unreasonable. The legislators were largely untrained, ignorant men; and they worked in the dark anyway *because the railways refused to make public any information about the business*. Sometimes, too, the legislation was infused with a bitter desire for retaliation. On the other hand, the Companies fought the most proper regulation by despicable methods. They bulldozed timid business interests by ceasing railway extension, or threatening to cease it; and when a law had been enacted they commonly kept it ineffective by getting repeated delays in the courts from judges whom, in many cases, they had influenced by political support or by free passes and other disgraceful favors. Most of the Granger laws were finally repealed. Railway commissions, however, are now found in almost every State, with authority at least to investigate charges and give publicity to facts about the railroad business; and, most important of all, the Granger movement did bring about the supremely important advance in American law noted above.

Next came attempts at *National* control. From the first, one argument against the Granger State laws had been that

only Congress had the right to regulate interstate commerce — and nearly all railway business came under this head.

The Inter-  
State Com-  
merce Act  
of 1887

In 1886 the Supreme Court took this ground in a sweeping decision, declaring that a State could not regulate the carriage of goods billed to another State *even for that part of the journey within its own borders*. This put an end to effective regulation of railroads by the States, but it did not affect the previous decision that the public had the right *through some agency* to control these “common carriers.” The only remaining agency was Congress. So far that body had refused to act; but now (1887) it passed the *Interstate Commerce Act*, forbidding pooling, secret rates, and all kinds of discriminations, and creating a Commission to investigate complaints and punish offenses.

This law promised a better day. The roads, however, persistently evaded or disobeyed it, and *its main intent was soon nullified* by decisions of the courts. Congress meant to make the Commission the final authority as to *facts*, leaving to the Federal courts only a power to review the decisions, on appeals, as to their reasonableness, the facts being taken as the Commission had determined them. The courts, however, decided to permit *the introduction of new evidence* on such appeals. This meant a new trial in every case, and destroyed the character of the Commission. The Commission was hampered, too, by other decisions of the courts — as by one which set aside its authority to compel the companies to produce their books. As the veteran Justice Harlan declared indignantly, in a dissenting opinion, the Commission was “*shorn by judicial interpretation of authority to do anything of effective character*.” In 1898 the Commission itself formally declared its position “intolerable.”

The Hep-  
burn Act,  
1906

In Roosevelt’s administration the Hepburn Act (1906) sought to revive the authority of the Commission, empowering it even to fix “just and reasonable rates,” subject to review by the Federal courts.<sup>1</sup>

<sup>1</sup> In 1910 all such appeals were referred to a new *Commerce Court* created especially to deal with them. Radicals looked askance at this new court, whose

The law also forbade roads to grant free passes, give "rebates" (partial repayments), or carry their own produce.

1. Lavish grants of passes, good for a year, and renewed each New Year's day, extending sometimes to free travel across the continent and back, had been one of the most common means of indirect bribery of legislators, congressmen, and newspapers. Sometimes a judge traveled on such a pass to the court where he tried cases in which the railroad was a party. Apart from the corrupting influence of the practice, too, the public had of course to pay for the passes in higher rates. Congressional prohibition of free passes was preceded by similar prohibition in many of the States; and this reform is now firmly established. Free passes  
forbidden

2. Rebates had long been one of the chief methods of evading the Interstate Commerce law against discriminations. Certain favored shippers, no longer given better rates than their neighbors *directly*, were still given secret rebates in coin, or, still less directly, were allowed to falsify their billing of freight, so as to bring it under a lower legal rate, or were paid unreasonable allowances for storing or handling freight themselves, or for the rent of private cars furnished by the customers. The receivers of the Baltimore and Ohio Road in 1898 testified that more than half the freight of the country was still carried on discriminating rates. Says Professor Davis R. Dewey (*National Problems*, 103): "The ingenuity of officials in breaking the spirit of the law knew no limit and is a discouraging commentary on the dishonesty which had penetrated to the heart of business enterprise"; and one of the great railroad presidents mourned, in 1907, that good faith had "departed from the railroad world." When company and shipper agree in trying to deceive the authorities in such a matter, proof is exceedingly difficult; and it is too

members were all appointed at once for life by the conservative President Taft, and the feeling was soon justified. The Commerce Court hampered and harassed the great Interstate Commerce Commission, and in 1913 it was abolished. (Cf. page 358.) Shortly before, Justice Archbold, one of its members, had been removed for graft, by impeachment. Cf. page 362 and note.



much to suppose that the more stringent provisions of the Hepburn Act have wholly done away with this demoralizing practice.

3. Certain Pennsylvania roads owned the most important coal mines in the country, and paid themselves what they pleased, out of one pocket into another, for carrying coal to market, — so excusing themselves for a higher price to the consumer. The last prohibition referred to above attempted to stop this practice. So far, the attempt is fruitless. The United States Steel Corporation mines iron in northern Minnesota. In deference to the Hepburn Act the Corporation is not also a railroad corporation; but *the same group of capitalists under another name* own railroads (on the “community of interest” method) which carry the ore to market at extravagant rates.

In 1914 this struggle with the railroads had gone on for two generations. Much time was lost because, for long, many people hoped that rates could be kept down if only free competition could be maintained between rival roads. But when pooling was forbidden, the roads sought refuge in secret “rate agreements” among themselves; and when the Supreme Court in 1897 held such an “agreement” a “conspiracy in restraint of trade” (and, as such, forbidden by the Sherman Anti-trust Act of 1890), they merely consolidated ownership more rapidly than had ever before been dreamed possible (page 584). In 1904 the Supreme Court made a futile effort to stop this movement by declaring the consolidation of parallel lines illegal (Northern Securities case) under the same Anti-trust Act. But, once more, combination to avoid competition was merely driven to another disguise. The groups of capitalists no longer consolidated the stock of different companies into one, with one board of directors; but they exchanged among themselves the stock of the different companies which they controlled, and memberships in the different

Railways  
and their  
mines

Failure  
of “regu-  
lation”

Inter-  
locking  
directorates

governing boards, and so maintained a community of ownership and management. In 1913, in the administration of Woodrow Wilson, an attempt was made to limit by law the memberships on such boards to be held by any one man, but no satisfactory result has yet been attained.

Before America had been in the World War a year it was plain that consolidation of management had not gone far enough to secure efficient service for the public. The waste and the delays due to lack of unity in transportation became a national menace. The whole country, railway corporations included, breathed more freely when President Wilson seized control for the Nation, with one central authority. Necessarily the old managers were for the most part left in office; and many charges were made that they deliberately sought to make the experiment unpopular by wasteful and inefficient service. At the close of the war, the roads were turned back to their old owners — under the Cummins-Esch bill — but a large part of organized labor and of the radical progressives are still calling for public ownership, with some device for sharing control between the government and the railway workers (the “Plumb Plan”).

### “BIG BUSINESS”

The struggle with the railroads awakened society to the need of public control over other monopolies. Ownership of a water power or of a mine is a natural monopoly. Another slightly different sort of monopoly is represented by certain kinds of business, like city lighting or city water supply, where competition is either altogether impossible, or where at least it would be excessively silly and wasteful. Sometimes, in such cases, the public grants an exclusive franchise to some company, and so creates a legal monopoly. In any case, these forms of business are usually classed with the “natural monopolies,” since they are monopolistic “in the nature of the case.” They derive their existence, however, not from nature alone but directly from some franchise grant by society; and so they are

even more generally looked upon as suitable for control by society.

And modern "big business" creates a still different sort of monopoly. A great manufacturing "trust" calls for so much capital that a competitor can hardly afford to try to build factories and secure machinery, with the uncertainties of the certain commercial war before it. If the attempt is made, the stronger enterprise kills off the other, if necessary by selling below cost, — recouping itself afterward by plundering the public when it again has the market to itself. This kind of monopoly is recent, and in outer form it resembles the competitive business of former days. Society awakened only slowly to the need of regulating it effectively for the common good. Even to-day such combinations are sheltered from public control, and sometimes from public investigation, by the legal principles of an outgrown age of individualism.

The first famous illustration of this sort of monopoly was *the Standard Oil Trust*. Crude petroleum ("rock oil") had been used for many years as a liniment known as "Seneca Oil," and about 1860 it began to be used, in a refined form, for illumination in place of the older "whale oil." Companies were soon formed to produce it on a large scale. In 1865 the Standard Oil Company was organized in Cleveland with a capital of only \$100,000. Under the skillful management of John D. Rockefeller it soon began to absorb the other like companies in that city — which was already the center of the industry of refining crude petroleum. Thus it grew powerful enough, and its management was unscrupulous enough, to compel railway companies to set up secret discriminations *for* it, and *against* its rivals, until it absorbed or killed off most of the oil companies in the country. In 1870 the Standard Oil was one of 250 competing companies, and its output was less than one twentieth the whole: in 1877 it controlled nineteen twentieths the output, and of the few remaining companies the leading forty were "affiliated," and took orders from it. By grossly unfair and piratical



methods it had made broken men or suicides of honest competitors. A powerful lobby long prevented legislative interference, and the Standard Oil attorneys were generally successful in the courts. Meantime its capital had been increased to 90 millions — on which it paid the enormous dividend of 20 millions of dollars.

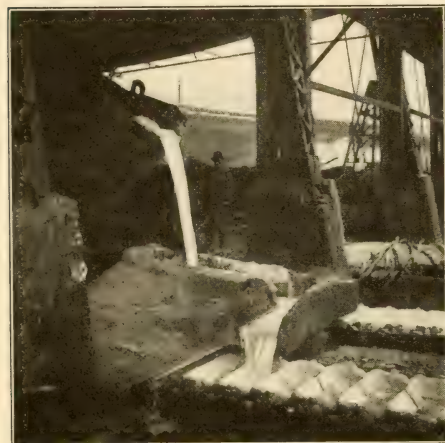
A few independent companies, however, were still putting up so stiff a fight that a closer organization seemed needful to insure success for the monopoly; and, in 1882, *Rockefeller invented the "trust."* The forty affiliated companies turned over their property to one board of nine *trustees*, each stockholder in an old company receiving proper certificates of stock in the new organization. This board of trustees managed the whole business. The arrangement was secret and exceedingly informal and elastic. The trust was not incorporated. The trustees, when convenient, could easily deny knowledge of the doings of subordinate companies, or disavow responsibility for them; and, with better reason, the companies could throw responsibility upon the intangible "trust."

Other industries seized at once upon this new device for consolidating management and capital. It proved eminently satisfactory to the average *stockholder*, though, in the process of organization, many small companies were squeezed out of their property; but it abolished competition, which had always been regarded as the sole safeguard alike of the *consumer*, of the *small producer of raw material*, and of the *laborer*. The Standard Oil Trust bought from the owner of an oil well at its own price, being practically the only buyer. So the Meat Trust bought from the cattle raiser. Then the trust sold its finished product at its own rate, — which was sometimes an advance upon former prices, and which was *never reduced enough to correspond with the decreased cost of production*. The profits to the stockholders steadily mounted, even when prices became somewhat lower; and the "cost of living" was made unduly high. Sometimes, as with tin and steel plate of some sorts, the absence of competition, to- And others

gether with the prevalent low business morality, led to scandalous deterioration in the goods put upon the market, and so robbed the consumer doubly.

Finally people took alarm. States enacted anti-trust legislation (for the most part, futile); and, in 1890, Congress passed the *Sherman Anti-trust Act*,<sup>1</sup> forbidding "every combination" in restraint of *interstate* commerce. Again the Standard Oil led the way.

With cheap, superficial obedience, it dissolved into twenty companies; but *one and the same group of capitalists* retained the controlling interest in the stock of each company, and composed the twenty "interlocking" boards of directors. Other trusts followed this method of maintaining "community of interest and management," as the railways were to do later (page 634); or they *reorganized openly as huge corporations*. The term "trust" was abandoned as a technical business



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LADLE POURING MOLTEN METAL INTO PIG  
IRON MACHINES, PITTSBURG.

term; but it remains in popular use, properly enough, to describe either of these forms by which aggregated capital monopolizes an industry.

Indeed, the monopolistic movement had only begun. In 1890 there were a score of "trusts" in the United States with an aggregate capital of a third of a billion dollars. In 1899 there were about 150, mostly organized within two years, with a total capital of over three billions. In 1901, in the Roosevelt administration, came the organ-

And its  
failure

<sup>1</sup> So called from Senator John Sherman of Ohio, who, however, had little to do with drafting the law, though he advocated it in ardent speeches.

ization of the United States Steel Corporation, with a total capitalization of \$1,400,000,000, of which — according to a later government investigation — \$400,000,000 was water.<sup>1</sup> Between 1900 and 1904 it is generally estimated that the number of trusts was multiplied by eight or nine, and that the capitalization rose from three billions to over thirty billions. Of this immense sum, a huge portion was in seven companies, and these had manifold and intricate ramifications; so that three or four men, perhaps, held real control.

Attempts at State regulation of trusts to lessen the evils of monopoly have taken the form of State laws which permit incorporation only on condition (1) that there shall be no stock-watering, (2) that publicity of management shall be secured, and (3) that officials may be held strictly to account. Such legislation, though characteristic of nearly every State, was long rendered of no account by three "trust-owned" States, — New Jersey, Delaware, and West Virginia. These three merely opened the door wider than before to incorporations of every sort. A corporation organized in any State can do business in all, and can be deprived of its charter only by the home State. Accordingly, by 1907, 95 per cent of the American trusts had found refuge in these three States. In 1913 their citadel in the favorite State of New Jersey seemed overthrown by the resolute democracy of the governor, Woodrow Wilson. On his last day of office, after a splendid two-year battle, Governor Wilson signed seven "anti-trust" bills, which, it was boasted, would make New Jersey a "trust-proof" State. Practically all of these, however, have been found nugatory in practice, through the shrewdness of corporation lawyers and the rulings of courts; and the opportunity for the trusts to pick any one of forty-eight States in which to corrupt a legislature or a court still makes it almost impossible for other States to control them.

<sup>1</sup> An ominous fact was that this "trust" held title to more than four fifths of all known iron-ore lands in the Appalachian and Superior districts.



*Some States early attempted to curb the power of monopoly, and to take back for the public at least a small part of its*

Trusts find	unreasonable profits, <i>by taxing great corporations</i>
protection	<i>higher</i> than ordinary individuals were taxed.
in the	
Fourteenth	This line of operation was also stopped at once
amendment	(1882) by the Supreme Court, under the author-

ity of the Fourteenth amendment, which forbade a State to discriminate among *persons*. In the case of *California vs. the Southern Pacific Railroad* the Court held that a corporation is a "person" in the meaning of the word in this amendment, — though no one thought of such a thing when the amendment was being ratified. Accordingly no taxation can be applied to corporations, even to specially favored public-service corporations, other than to other citizens.

In no other civilized land is the government so powerless to deal with aggregated wealth as this decision made the *States* of the Union. The Fourteenth amendment had been robbed of its intent (to protect *real persons*, of dark skins) by previous decisions of the Court (page 564). By this decision it was converted into a shield to protect *artificial persons*, in the shape of dangerous monopolies, from needful regulation by the people. The *Southern Pacific* case is to be coupled with the *Dartmouth College* case (page 292) as explaining how the Constitution has been made a shelter to property interests against public control far beyond anything contemplated even by the founders of the Constitution. For the next thirty years the *Southern Pacific* was "king" in California — until Hiram Johnson's victory in 1911 (page 665).

Said Senator Sherman, in the debate on the Anti-trust Act, in 1890: —

"If the concentrated powers of this combination [the relatively small trusts of 1890] are entrusted to a single man, it is kingly prerogative, inconsistent with our form of government. . . . *If we will not endure a king as a political power, we should not endure a king over the production, transportation, and sale of any of the*

*necessities of life.* If we would not submit to an emperor, we should not submit to an *autocrat of trade* with power to . . . fix the price of any commodity."

But the most serious power of such aggregated capital is exercised in indirect ways. It can, at will, withdraw money from circulation, compel banks, therefore, to contract loans; force factories, accordingly, even those not in any way owned by the combination, to shut down or to cut down output and discharge workmen; and so bring on business depression and starvation. There seems little doubt that such power has been often used, in slight degree and for short flurries, to influence the stock market and favor gambling enterprises there; and many thinkers believe that it has been used more than once to cause a "panic" in order to intimidate timid reformers in the battle for civic righteousness, — which might otherwise soon interfere with the money trust's ownership of judges and congressmen. The same tremendous power, without question, aims intelligently at the control of higher educational institutions and dominates multitudes of newspapers.

The rule of  
aggregated  
wealth

## PUBLIC SERVICE CORPORATIONS

After the Civil War, the growth of cities and of new inventions began to give tremendous importance to gas companies, electric lighting companies, water companies, telephone companies, and street car companies. *The tendency toward municipal corruption was frightfully augmented by the growth of these new "public service corporations."* Each had to get the right to use the public streets for tracks or pipes or wires, in order to do business. In the early decades of the period, the company usually tried to get a charter giving it *exclusive* use of the streets, for its kind of business, for a long term of years or in perpetuity. At the same time it sought to escape any real public control over its rates or over the service it should render, by making vague the charter clauses

Public  
service  
corporations

bearing on such matters, or by inserting "jokers" to destroy their apparent force.

Shrewd men saw that such grants would become increasingly profitable with the growth of city population; and, to secure them, some corporations found it profitable to buy up public officials on a large scale. If a charter was decently just to the city, the corporation often prevented the enforcement of the best provisions for years by getting its own tools elected to legislatures or city councils or judgeships, and by having other tools appointed to the inspectorships which were supposed to see that the company's service was as good as called for in its contract.

These forces were largely responsible for an increased body of political "grafters" in the governing bodies of State and city, — *who were then ready to extend their operations unblushingly to other parts of the public business*, as in extorting bribes from business men who wished contracts for furnishing supplies to the city or for building city improvements. *Public graft became an organized business.* City pay rolls were padded with names of men who rendered no service, sometimes of men who did not exist but whose salaries were drawn to fatten the income of some "boss." Important offices were turned over to incompetents, favored for political service. The corruption of American city government was exceeded only by its inefficiency.<sup>1</sup> Commonly, too, it allied itself not only with public, but also with *private* crime. Police departments permitted gamblers and thieves and thugs and dissolute women to ply their trades with impunity, so long as they did not become too notorious; and in return the precinct captains collected each week regular pay envelopes from the criminals, — the greater part of which went ultimately to higher officials, — chief of police, mayor, or political boss.

<sup>1</sup> About 1890 Andrew D. White visited many of the most important European cities. At Constantinople, he wrote, the rotting docks and general evidence of inefficiency made him *homesick*: nowhere else had he been so reminded of American cities (!).



The first case of city corruption to catch the public attention was the infamous *Tweed Ring*, which robbed New York City of a hundred million dollars in two years (1869–1870). This ring was finally broken up, and “Boss” Tweed was sent to Sing-Sing, largely through the fearless skill of Samuel J. Tilden, soon after the Democratic candidate for the presidency (p. 571). For long it was a pet delusion of “respectable” Republicans that the New York scandal was an exceptional case, due to the deplorable fact that New York was controlled by a Democratic organization (Tammany); but later it developed that Tammany’s methods were coarse and clumsy compared with those by which a Republican “ring” had looted Philadelphia.

Slowly the people have learned that corruption has no party. The biggest “boss” naturally allies himself with whichever party is usually in control in his district; but he has a perfect understanding with corrupt leaders of the other party, upon whom he can call for help against any revolt within his own organization, so “playing both ends against the middle.” The surest weapon at the service of these sly rogues is an appeal to the voters to be loyal to the party, — so dividing good men and obscuring real issues in local government. Nor does one housecleaning and the punishment of a few rascals end the matter. Gains are too great. In a few years, New York and Philadelphia were again dominated by rings quite as bad as the first ones. With an occasional spasm of ineffectual reform, such conditions remained characteristic of practically every important city until the rising of the mighty tide of reform about the opening of the new century; and the fight for clean government is not yet won.

“Big  
Business”  
bipartisan

The graduation of corrupted scoundrels from city and State politics into National politics was one cause of the degradation that befell the latter. But National politics had also its own troubles. What a street car company or a gas company was to a city council or to a State judiciary, a railroad or a Standard Oil Company was to Congress and the

Federal bench. Corporations which wish to keep on good terms with the party machinery in State and Nation have been the main sources of campaign funds. Usually such a corporation has kept on the safe side by contributing to both parties, — somewhat more liberally to the one in power, from which favors are the more likely to come. The immense contributions from such sources have been a chief means of political corruption in campaigns. Meantime, the people have to pay these contributions indirectly in higher prices, — *since the amounts are charged up to "operating expenses" by the corporations.*

The law of 1911 to compel publicity by the National Committees of all political parties as to the source of all their funds is helping to correct this evil. In 1912 a congressional investigation proved conclusively, by the sworn testimony of the heads of the great "trusts," that there really had existed a close alliance between certain privileged interests and guiding forces in the government, such as the general public had only dimly suspected. Mr. H. O. Havemeyer, President of the Sugar Trust, was asked whether his Trust made political contributions in the campaigns. "Yes," he said frankly; "we always do that. In New York [controlled by Democrats] we throw [our contribution] their way. In Massachusetts, where the Republicans are dominant, they 'have the call.' Wherever there is a dominant party . . . that is the party that gets the contribution, *because it is the party that controls local matters*" [election of congressmen, governors, State judges, etc.].

This public corruption does not come in any considerable degree from ordinary competitive business. *Public corruption comes from the desire to secure special privilege.* The public service corporation in the city is the source of municipal corruption: the ordinary business man, who pays a bribe perhaps to secure a city contract, is rather a victim than a first cause. So in the Nation, the railroads, with their land grants or their desire to evade legal control, and, later, the fattened trusts which wish to preserve some tariff "protection," are

Search for  
"the man  
higher up"

the source of National corruption. The city or State "boss" who "delivers the goods" to these privileged corporations seems at first sight the front and substance of the corruption; but, in real fact, he is merely an agent, permitted to pay himself in loot, but set in motion and protected by "the man higher up," the respectable head of great business interests.<sup>1</sup> These large interests draw after them smaller business men, sometimes by brutal coercion, but more commonly by merely playing artfully upon the phrase that any attempt at reform "hurts business." Almost every genuine reform movement in America so far has found its chief foe, after a brief run, in this despicable phrase.

<sup>1</sup> Every American should read Judge Ben B. Lindsey's *The Beast and the Jungle*, — the best and most dramatic portrayal in literature of the truth stated above.



## CHAPTER XLII

### FORWARD-LOOKING MOVEMENTS BEFORE 1917

THE new moral earnestness of 1890, we have said, wandered blindly for a while. But about 1900, men began to see that the first step toward industrial freedom was to restore self-government to the people and to enlarge it by the enfranchisement of women and through new political machinery — the referendum, the initiative, the recall, the direct nomination of all elected officials, and the more direct control of the Federal courts. The forward-looking movements treated in this chapter have all placed these matters foremost in their immediate programs.

### THE LABOR MOVEMENT

The ten years preceding the Civil War, with the new conveniences for communication and combination, saw a few *trades* organize on a national scale (instead of for localities only); but these first national “unions” were confined to trades whose total membership was small. The sixties witnessed a remarkable spread of the movement. The Brotherhood of Locomotive Engineers organized in 1863, the cigar makers in '64, the brickmakers in '65, railway conductors in '68, railway firemen in '69 — all strong unions. By 1870 forty trades had achieved national organization, and the movement continued until all skilled trades became so organized. Nearly every union has its weekly or monthly organ, *The Carpenter*, *The Fireman's Magazine*, and so on; and in every large town the Trades' Assembly has a labor paper devoted to the general welfare of the movement. And, apart from industrial matters, these organizations have exerted a notable influence and training. Many a local

Labor  
organi-  
zation after  
the Civil  
War

"Assembly" conducts its business and debates with a promptitude and skill that would be highly instructive to college faculty or State legislature.

But organization of *single trades*, even on a national scale, was not enough. In 1869 a few workingmen in Philadelphia founded *The Noble Order of the Knights of Labor*, — to include *all* workers, skilled or unskilled, — with the motto, "The injury of one is the concern of all." The strike year of '77 (page 648) popularized the movement; and in '78 it held its first National Assembly, made up of delegates from local and district assemblies. For years this Order exercised vast influence for good, and was the fount of much wholesome legislation in State and Nation. Especial gratitude is due it for its early recognition of the right of women to equal pay with men for equal service, and for its hearty welcome to world-peace movements; but it joined the Populists in the Free Silver campaigns, and virtually fell with the failure of that movement.

*The American Federation of Labor* rose, phoenixlike, from the ashes of the Knights. Its units are the national unions of single trades; it does not recognize unskilled labor in its organization. It counts some two million men, besides three quarters of a million more organized in railway unions and affiliated with it. It has encouraged the formation of *Trades' Assemblies* (the "Trades-union" of the thirties) in all large places, composed of delegates from the local unions and standing to them somewhat as the National Federation stands to the national unions. The annual convention and the executive council of the American Federation exercise tremendous influence over the separate unions, but have no binding power over them, — except authority to levy assessments to sustain a strike approved by the central council. *Samuel Gompers* has been annually reelected president for some twenty-eight years (1920), and has proven himself a notable leader, though in more recent years a large and growing element regard him as too timid and too conservative.

As with the earlier organizations of the thirties, so too the modern unions at once asserted hostility between labor and capital. Said the brickmakers, in the preamble to their constitution, in '65: "Capital has assumed the right to own and control labor for its own selfish ends." The first violent clash came, naturally, in the railway world, — because organization on both sides was first complete there. The railway panic of '73 led many roads to cut wages. The powerful organizations of "skilled" engineers and conductors proved able to ward off such reductions, or at least to secure fair hearing, in most cases, by mere threats of a strike; but the places of firemen and switchmen could be filled more easily, and on these classes fell the most serious reductions of pay. In '77 the fourth cut within five years drove these employees on the Baltimore and Ohio to a strike — which spread like a prairie blaze to many other roads.

The strikers sought to prevent the running of freight trains. Riot and bloodshed were widespread, from Baltimore to San Francisco. Pittsburg was in the hands of a mob for days. The crowds of idle and desperate men in the cities and the thousands of "tramps" in the country (both new features in American life with the '73 panic) added to the violence and disorder. Millions on millions of dollars of railway property were destroyed, and the injury to private business was much more disastrous. Violence was finally repressed, and peaceful strikers sometimes intimidated, by Federal troops. On the whole, however, the strikers won important concessions.

Of the many tens of thousands of strikes during the next forty years that marked the war, so opened, between labor and capital, only two may be noted here, though many others were of national interest. In 1894 the employees of the Pullman Car Company struck to avoid reduction of wages. The American Railway Union, sympathizing with the strikers, demanded that the quarrel be submitted to arbitration. The Company refused, and the Union refused to handle Pullman cars on any road.

The labor  
war

The Pull-  
man strike  
of 1894



Twenty-three leading roads were involved. The companies had contracts, in most cases at least, making them liable for damages if they did not use these cars; and, apart from this fact, they were bitterly resolved to crush the "sympathetic strike" idea.

The disorders extended from Cincinnati to San Francisco; but Chicago was the storm center. Hundreds of freight cars were looted and burned by the city mob, which found its opportunity for plunder in the situation; and the loss and crime were charged upon the strikers by many respectable elements of society. The governor of Illinois (Altgeld) sympathized with the strike, and declared that the railway companies were paralyzed, not by strike violence, but by a legitimate situation, since they could not secure men to run their cars without Federal assistance. President Cleveland, however, broke the strike by sending Federal troops to Chicago to insure the running of trains — on the ground of preventing interference with the United States mails, and of putting down "conspiracies" which interfered with interstate commerce. The business interests of the country heartily indorsed the President's action, but that action was one of the chief reasons why the more radical wing of Democrats was driven into opposition (page 607, note).

In May, 1902, the coal miners of Pennsylvania struck for an increase of wages and the recognition of their union. The strike lasted five months and *caused a general coal famine*. John Mitchell, the head of the miners' union, by his admirable handling of the situation, won recognition as one of the ablest men America has produced. The operators, consisting of a few railway presidents who enjoyed a complete monopoly of the anthracite coal trade, lost public sympathy by an insane "divine right" claim from Mr. Baer, one of the presidents, that the public ought to be content to leave the matter to "*the Christian men to whom God, in his infinite wisdom, has given the control of the property interests of the country.*" Finally President Roosevelt brought operators and John Mitchell into conference

The Coal  
strike of  
1902

And  
Theodore  
Roosevelt

(October 3). Mitchell offered to submit his case to a board of arbitrators to be appointed by the President, and promised that the miners would return to work at once, without waiting for the investigation, if such a course should be agreed to; but the operators refused arbitration, and called loudly on the President for troops. Privately, Roosevelt determined instead "to send in the United States army to take possession of the coal fields" for the nation, if necessary; but, two weeks later, he succeeded in bringing the mine owners to time through J. Pierpont Morgan, the financial backer of the coal trust. Then the owners agreed to arbitration. Five months later (March, 1903), the board of arbitrators made its report, sustaining the demands of the miners in almost every point. The action of President Roosevelt was acclaimed by the sympathizers of labor everywhere as a happy contrast to the action of Cleveland nine years before at Chicago. Incidentally it is well to note that the mining companies simply added to the price of coal much more than the arbitration had cost them.

During the Pullman strike (July 2, 1894), a Federal District Court issued a "blanket injunction," ordering all members of the American Railway Union to cease interfering with the business of the twenty-three roads (page 649). *Eugene V. Debs*, president of the Union, continued to manage the strike, and, two weeks later, was arrested for *contempt of court*. Investigation of the charge did not take place for several months — during which Debs remained in jail rather than ask for bail on such a charge — and then he was condemned to six months' imprisonment. *In effect* Debs was punished by a year's imprisonment *for an act which no legislature or jury had ever declared a crime, and he was deprived of his constitutional privilege of a jury trial*. The principle was not new; but this sort of "court government by injunction" came into new prominence by this incident.<sup>1</sup>

<sup>1</sup> Debs was already under charge of violating the laws regulating interstate commerce; but on a trial for this offense he would have had a jury. The action

Organized labor at once made resistance to "government by injunction" one of its cardinal principles. In 1912 an "anti-injunction bill" passed the lower House of Congress, but failed in the Senate. Such a bill did become law in the administration of Woodrow Wilson, but in recent months, in the period of reaction since the war, it has been rendered void by court interpretation.

Society must awaken not only to the wrongs of labor but to its own loss in all "labor war." It foots the bills in every strike. What the employer loses is quickly made good to him by increased prices to the public. <sup>Labor war and the public</sup> What the laborer loses is added largely to the cost of prisons and asylums paid by the public. Even while the strike is in progress, the "innocent bystander" often suffers as bitterly as the combatants — just as the burghers of a medieval city often found their daily marketing interrupted, and sometimes had heads broken or houses burned, in the private wars between lawless barons in their streets. Society must continue to suffer such ills, as medieval society did, until it becomes resolute to compel justice on both sides. (During the World War, the Nation did this through its great "War Labor Board," but that fine example has now been allowed to perish.)

Public sympathy is effectually alienated from either side that is known *to use violence*. The unions know this; and, from policy and principle, they commonly do their best to prevent disorder. When the more desperate and ill-controlled strikers, or their sympathizers, do use violence, well-to-do society promptly calls for troops and declares that "now the time for considering the wrongs of labor has gone: it remains only to restore order." Certainly, order must be maintained: but the fundamental evil in the matter lies in the fact that for the people who use this

of the court deprived him of this right, and removed all the securities of the ordinary law. Says Davis R. Dewey, — the practice tended to make "the courts no longer judicial, but a part of the executive branch of the government," and eventually to make "the judiciary either tyrannical or contemptible" (*National Problems*, 296).



argument most glibly, "*the time for considering the wrongs of labor*" *has never arrived*. The unions assert, too, that sometimes the employers hire ruffians to destroy their own property in order to represent such destruction as the work of strikers; and that armies of thugs in the pay of the employers as private policemen often intentionally force a riot by "beating up" peaceable strikers and by grossly insulting women and children. It is proven fact that some of the largest industrial corporations maintain an extensive spy system among their employees; and, to earn their pay, the wretched spies foment strikes and more serious plots.

The prospect brightens somewhat when we turn to the gains that labor has won through peaceful influence upon legislation.

1. After the Civil War, the *eight-hour day*<sup>1</sup> took the place in labor agitation which the ten-hour day had held thirty years before, and in 1868 Congress adopted the principle for all labor employed directly by the government. Many States and municipalities have followed this example *for public works*; and in 1912 Congress enacted that the principle should apply to all work done for the government by contractors as well as to work done directly by its own employees. Various skilled unions, too, have secured the eight-hour day by *custom*.

*State legislation* regarding the labor day, except on *public work*, had always been nullified by the courts, until within a few years, on the ground that such legislation interferes with "freedom of contract." In 1895 in Illinois, and in 1911 in New York, laws to shorten the working day *even for women* were thrown out by the courts on that same ground. Referring to this New York decision, in a speech in New York in November, 1911, Theodore Roosevelt said:—

<sup>1</sup> "We mean to make things over: we're tired of toil for nought  
But bare enough to live on: never an hour for thought.  
We want to feel the sunshine; we want to smell the flowers;  
We're sure that God has willed it, and we mean to have eight hours.  
We're summoning our forces from shipyard, shop, and mill:  
Eight hours for work, eight hours for rest, eight hours for what we will!"

— J. G. BLANCHARD.

"I am asking you to declare unequivocally that it is for the people themselves to say whether or not this policy [a shorter labor day] shall be adopted, and that no body of officials, no matter how well meaning, nor personally honest, no matter whether they be legislators, judges, or executives, have any right to say that we, the people, shall not make laws to protect women and children, to protect men in hazardous industry, to protect men, women, and children from working under unhealthy conditions or for manifestly excessive hours, and to prevent the conditions of life in tenement houses from becoming intolerable. . . . I do believe that this people must ultimately control its own destinies, and cannot surrender the right of ultimate control to a judge any more than to a legislator or an executive."

And under the compulsion of public opinion, the courts in these same States soon reversed their earlier decisions, finding sanction for so doing in the "police powers of the State," — to maintain a reasonable standard of health and public welfare. Then in 1917, the Federal Supreme Court, democratized in part by Woodrow Wilson's appointments, declared constitutional (1) a California law fixing eight hours as the maximum working day for women; (2) an Oregon law fixing a ten-hour maximum day *for men*; and (3) an Oregon law establishing the principle of a "*minimum wage*" *for woman*, a "living wage" such as to insure health and decency.<sup>1</sup>

2. It has been easier to secure *limitation of the working day for children* than for adults, because public sympathy was more easily aroused and because the common law did not "protect" children by the "freedom of contract" rule. Child labor In 1874 and 1879 Massachusetts, through the influence of organized labor and of the Labor Bureau's statistics, made the first efficient provision in America for *limitation of hours of labor for women and children* (ten hours a day), with adequate inspection to enforce the law. During the

<sup>1</sup> This last decision — long the hope of radical reformers — was determined largely by the conclusive arguments prepared by Louis Brandeis shortly before his appointment to the Supreme Court. Under these circumstances, Justice Brandeis, of course, did not sit in the court when the case was tried.

next decade, this example was followed, for children at least, in most of the manufacturing States of that day; and there has been further legislation *prohibiting all employment of children of school age* — at least until a certain proficiency in studies had been attained.

Between 1880 and 1890 the number of children in manufacturing establishments fell off a third; but after 1890, the numbers increased once more, with the growth of factories in the South — where proper regulation of this crime against youth remained sadly lacking. Labor organizations at once expressed desire to coerce these negligent States by Federal law forbidding railways to transport goods produced by child labor. Authority for such legislation was claimed under the power of Congress to regulate commerce; but when such an act was at last passed, in 1916, it was promptly declared void by the Supreme Court. The same end, however, was reached in 1918 by a child-labor amendment to a federal tax law, but there is still great need of *State* legislation in the South.

3. *A scientific investigation of labor conditions* by State and Federal governments, together with publicity of the findings, has been one of the wisest demands of labor. In 1869 a Labor Reform party secured a State Bureau of Labor Statistics in Massachusetts. In the eighties the Knights of Labor secured such a bureau in the Federal government and in many States. Most of the States now have such departments, usually headed by labor representatives and charged with authority to enforce factory legislation. By 1913 the Federal Bureau had grown into the Department of Labor. In 1912, too, the government created the *Children's Bureau* to promote child welfare.

4. *Factory acts* have been adopted in nearly all the States, requiring employers to "fence" dangerous machinery, to arrange for escape from possible fire, and to provide adequate ventilation and freedom from dampness and from extreme temperatures. Such legisla-



tion is enforced through inspection by the State Labor Bureaus.

5. *Compensation to workmen for injuries* received in the course of their toil has made much progress. The Common Law permitted an employee to recover by a suit for damages. The cost, however, was too great for poor men in any but the gravest cases; and if the accident was caused by the carelessness of a "fellow servant," no recovery was possible. Happily, many of the States, by employers' liability laws, have abolished this last principle, and some of them have made compensation almost automatic — by State insurance, without the intervention of legal processes — though in others there remains much to be done in this line. A model law has been adopted by the Federal government for railroad employees engaged in interstate commerce and (1916) for all Federal employees.

Workmen's  
Compensa-  
tion acts

When the practice becomes general, compensation for accidents will become an item in the general expense account of all factories, — part of the operating expenses, — and will be paid, as it should be, by society, in the price of the goods. At the same time, each employer will have an inducement to precautions, since, by reducing accidents *below the average*, he will add to his profits.

In this matter America, with its constitutional protection to property interests, still lags far behind several European lands. No other industrial country needs such legislation as much as America. *No other one has so large a proportion of preventable accidents.* In our coal mines alone, in 1908, three thousand men were killed and ten thousand injured. The family wreckage that goes with such loss of life by the breadwinners is even more appalling. Unless this slaughter is checked by law, or by greater sense of responsibility in employers, American industry threatens to become more wasteful of human life and social welfare than ancient war was.

Closely related to one of these forward steps is a gain made recently under *threat* of strike. In March of 1916, the

four great railway "brotherhoods" (conductors, engineers, trainmen, and firemen) began an earnest agitation for "an eight-hour day, with pay-and-a-half for over-time."<sup>1</sup> After various fruitless conferences with railroad managers, the men voted (94 per cent of the 400,000 members of the brotherhoods) to give their "heads" authority to call a nation-wide strike if the managers persisted. The nation was alarmed. There

The eight-hour railway law of 1916



*Harris and Ewing, Washington, D. C.*

WATCHING THE PROCESSION OF THE AMERICAN FEDERATION OF LABOR at its meeting in 1916. From left to right the figures are President Wilson, Samuel Gompers, and Secretary Wilson of the Department of Labor.

seemed no doubt that the brotherhoods could tie up the transportation of the country completely; and that would mean ruin to business and starvation to the city poor. The managers offered to arbitrate: the men were willing

<sup>1</sup> The railroad managers insisted that this really meant not shorter hours but an increase of \$10,000,000 a year in wages. The men declared they were after shorter hours, and that they asked extra pay for overtime mainly to compel the roads to arrange eight-hour schedules.

to arbitrate as to pay for overtime, but not as to the eight-hour day. President Wilson now called the "heads" and the railway managers into consultation; but many days of conference brought no result. The President then made a public statement of his position: "I have recommended the concession of the eight-hour day — that is, the substitution of an eight-hour day for the present ten-hour day in all the existing practices and agreements. I made this recommendation because I believe the concession right. The eight-hour day now undoubtedly has the sanction of the judgment of society in its favor, and should be adopted as a basis for wages even where the actual work to be done cannot be completed within eight hours. . . ." The roads, the President continued, might or might not be entitled to increase rates to the public; only time could show what adjustments would be necessary. Accordingly, he recommended that the men postpone their demand regarding increased pay for overtime.

The men accepted the President's plan, but the managers refused it. The strike was set for an hour only some six days off. But Congress, under the President's leadership, hastily enacted an eight-hour law for all interstate commerce. The whole matter was a leading issue at the election in November, when the President was given a second term; and in the following March the law was upheld by the Supreme Court.

The "closed shop" has been a chief aim of labor unions in many strikes and boycotts. Labor unionists believe that they must have "collective bargaining" if labor is to deal with capital on anything like equal terms: the individual laborer must accept any terms offered him. Accordingly, members of a union contend that every worker in their trade must be persuaded, *or forced*, to join the union or leave the industry. The man who stays out gets whatever better conditions may be secured by collective bargaining, without giving his help toward it; and, in time of trial, he becomes a traitor to

The  
"closed  
shop"



the cause of labor by underbidding the union standard. On the other hand, many liberal-minded people look upon the principle of the closed shop as "un-American." It is easily designated as tyranny toward the individual laborer, who is no longer "permitted" to work "on his own terms." Sometimes, too, a strike against a fair employer who himself recognizes union labor, but who has contracts with firms that do not, involves serious injustice; and the courts now declare such "compound" strikes illegal.

The unions fall often into the hands of self-seeking leaders, or of treacherous ones, and are used to bad ends; and the most sincere leaders are no more beyond possibility of error, in their puzzling duties, than other men are. But the sins of organized labor, while often more violent, are usually less dangerous to human progress, than the sins of organized capital, which commonly provoke them. From labor's viewpoint, talk by a "scab" of his individual "right" to bargain his own labor is as much out of place as like vaporings by a deserter in war. The "unionist" feels that organized labor is the only hope for better conditions of life for the masses of mankind.

Employers' associations often charge organized labor bitterly with that sort of sabotage which consists in limiting production by "loafing on the job." But it is a question whether the blame does not rest at least as much upon the employers, since they direct the system of industry. Labor *does* loaf. It has lost interest in "piling up profits — for the bosses." To restore interest, to supply incentive, higher wages are of less avail than a *new movement to democratize industry*. Wide-awake employers here and there are finding it *pay* to admit their workmen not only to a share in profits, but also, through elected councils, to a *share* in the management and to a *partial ownership* in their jobs — so that they and their families may not at a moment's notice be plunged into misery by the chance whim of an employer or of a tyrannical foreman. Recently the Catholic Church has approved such a program for industry, and other religious organizations have gone far on the same road.

## THE FARMER AND THE NON-PARTISAN LEAGUE

In recent decades the farmer has made great progress in increasing production — in making two blades of grass grow where one grew before, to the world's great gain — but very little progress in marketing his produce to his own gain. True, many farmers are finally able to "retire" with a small competence *from the increase in value of their land*, and occasionally one even makes money from his crops, either through unusual ability or luck. But many investigations show beyond dispute that, in spite of his long day of fourteen or fifteen hours of strenuous toil and his life of stern privation and denial, the average farmer, especially in the Northwest, gets less return *for his labor* than the average hired farm hand — to say nothing of city labor. Farmers are learning that they have been selling their produce for less than the cost of production — if they figure the labor of themselves and their family at anything like the price of town labor. This is the fundamental reason why, in spite of much noisy "back-to-the-farm" propaganda, the drift from farm to city grows steadily toward a national menace.

About 1900 the conviction began to spread in the grain-growing states that the farmer's lack of profits was due to unreasonable profits by an unreasonable number of middlemen, and more specifically, to undue control by millers and by grain men in the wheat pits of the great markets (1) over manipulation of grain grading<sup>1</sup> at the elevators, (2) over price-fixing in the monopolistic and speculative markets,

<sup>1</sup> The Minneapolis elevators every year ship out hundreds of thousands of bushels of high-grade wheat more than they take in, and the same number of bushels of low-grade wheat *less* than they take in. On grain originally graded low, the farmer gets merely a trifle. This tremendous change of market value is brought about *partly* by skillful shuffling: the elevator mixes a very little No. 1 with a large amount of No. 2 (No. 2 that is already *almost* No. 1), and so can pass the whole as No. 1 *without materially changing the food value*. The grain men will say, truly enough, that a larger part of the change is due to the fact that passing grain through the elevator makes it grade higher (gives it brighter color and somewhat better quality). But if "no grade" wheat is so cheaply made high grade, then plainly the farmer is robbed by the very great difference in price between the two grades when he sells. The loss in a grain State runs up into millions of dollars a year.

and (3) through their position on big bank directorates, over the credit extended to or withdrawn from farmers by the dependent country banks — a control susceptible of use to compel the farmer to sell his grain when the market is lowest. So arose demands for State-owned elevators and flour mills, State banks to extend rural credits, and such other matters as State hail insurance. Finally, when business interests had long shown themselves heedless or obdurate, these demands were taken up by a new farmers' organization in North Dakota, led by Arthur C. Townley.

The *Non-Partisan League* is a political organization with a specific program for reform, but it is not a political party. As the name implies, it means to use the machinery of either political party through which it can best attain its aims. In the Northwest, this is commonly the Republican party, but in Montana, where the Democrats are usually dominant, the League has sought to utilize that party. For five years (1915–1920) the Non-Partisans have controlled North Dakota and have put much of their program into effect. Business interests, both in the State and in neighboring grain centers like Minneapolis and Duluth, have fought them fiercely, and have attempted to discredit their program as “Socialism” and as unconstitutional. But in the summer of 1920 the Supreme Court of the United States declared constitutional the laws most in dispute — for State banks, State elevators, and State flour mills. This decision marks another milestone in the growth of American law and establishes the right of the State to go into business when its citizens think such action needful for their well-being. (Cf. page 631.)

### SOCIALISTS AND SINGLE TAXERS

While the Labor Union was appealing to skilled workers, *Socialism* made rapid converts among unskilled laborers on the streets and among students in the closet, until it became a force to be reckoned with in American life.

Growth of  
Socialism



Modern Socialism points out that a few capitalists practically *control* the means of producing wealth ("the machinery of production and transportation"). This, they argue, is the essential evil in industrial conditions. Their remedy is *to have society step into the place of those few*, taking over the ownership and management (1) of land, wherever practicable, including especially mines, water power, and other natural resources, (2) of transportation and communication, and (3) of all large-scale production. Private ownership *for private enjoyment and consumption*, they claim, would then regulate itself without injury to the common life.

A radical faction of Socialists, losing faith in political methods, has split off into a distinct organization in favor of "direct action." By this they do not mean, most of them, the use of bombs and bullets in place of The I.W.W. ballots, but they do mean the *compulsion* of society by *industrial pressure* — as finally by "general strikes." As a means to success, they work first for the organization of great masses of labor, unskilled as well as skilled, into "one big union." This program, first put forward by the French "Syndicalists," has been adopted in America by the "Industrial Workers of the World" ("I.W.W."). "Poor work for poor pay," an early slogan, passed with these advocates of industrial war quickly into more serious forms of sabotage, such as ruining machinery and spoiling raw material. Society, in turn, alarmed and angered, instead of punishing merely for such crimes when committed, has many times allowed these agitators to claim the cloak of martyrs, by refusing them the ordinary privileges of free speech. Certainly, the un-American and despotic action of the New York Assembly, in 1920, in twice expelling five Socialists, duly elected, merely upon the ground that they were Socialists ("political" Socialists, not I.W.W.) has done more to make new I.W.W. than all repressive measures have done to check the movement. It has seemed to great numbers of workers to justify the I.W.W. argument that the ballot is of no use.

Unhappily, the leaders of the Socialist party in America

were largely of German or Austrian birth; and when America entered the war for democracy against Germany, in 1917, the Socialist party as an organization, under color of opposing all war, took a distinctly disloyal position. This fact not only arrayed that party against progress: it also cast discredit upon the whole Socialistic program. Moreover, for a time at least, it resulted in driving from the organization many of its most promising leaders, like Charles Edward Russell and Upton Sinclair. (Said Mr. Russell, when the party cast him out, — “I am not yet convinced that I cannot be both a Socialist and an American; but if I have to choose, I choose to be an American.”) Thinkers revolt, too, against the “tyranny” seemingly inseparable from state socialism.

In 1879 Henry George published *Progress and Poverty*. This brilliant book, to its converts, transformed “the dismal science” of political economy into a religion of hope. George teaches that land *values* are a social product created by the growth of population. Society therefore should take them by taxing land *up to the rental value of unimproved land equal* in location and quality. This taxation would include, of course, the full value of the use of city streets to transportation companies and lighting companies, and of railroad right-of-way — unless the public chooses to keep such enterprises wholly in its own hands. Thus taxation would reach all “natural monopolies.”

The advocates believe that such a tax would exceed present public expenditure and make other taxation unnecessary. Therefore it is styled the “*Single Tax*.” Other taxation, it is urged, “penalizes industry.” The Single Tax takes from the individual only what he has never earned (the “unearned increment”), and takes for society only what society has created. Incidentally, it would put an end to mischievous speculation in land — since no one could then afford to hold land, *unused*, for a rise — and it would certainly prevent many forms of vicious special privilege. Indeed, its converts usually hold that *all*

special privilege runs back to private ownership of land values. Apart from the question of exact economic truth, the Single Tax doctrine has been one of the inspiring forces of the century. *Progress and Poverty* was a trumpet call for eager youth with faith in humanity to rally to a contest for truth which should make men free.

Socialists believe in public ownership of *all* the means of production, including machinery: Single-Taxers believe in public ownership only of all *natural monopolies*. The Socialists agree to the doctrines of the Single Tax, but do not think it goes far enough. The Single-Taxer denounces socialism as tyrannical, and believes that, granted the Single Tax, individualism may safely rule all other social relations.

### THE "PROGRESSIVE" MOVEMENT IN POLITICS

In the Jacksonian period, three generations ago, American democracy triumphed *in theory* over all enemies. But real political practice fell far short of true democracy. The new machinery which was devised for Jacksonian democracy made the people's rule too indirect. It suited better the secret rule of Privilege. It was particularly fitted for the skillful manipulation of "bosses," the agents of Privilege.

About 1900, the conviction grew among political reformers that the first need of our Republic was *more direct democracy*, with less power in "political middle-men" — *direct nominations* by the people in place of *indirect* by bargaining conventions; a *direct check* upon officials *after* election by the recall; *direct legislation* by the initiative and referendum; direct "*home rule*" for cities, in place of indirect rule at the State capital; *direct* election of United States Senators; and a *direct voice by women* in the government.

The demand  
for more  
direct  
democracy

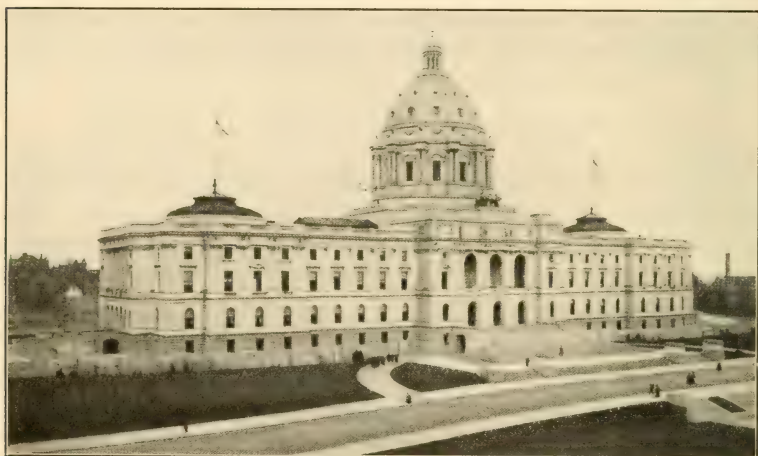
This need of more democratic political machinery was to be met, in the early stages, almost wholly by State action, not by National law. It was fortunate that such could be the case. One State moved faster for direct legislation; another State, for woman suffrage; while

And the  
States



those States which did not move in any matter, and which might have had drag enough to prevent any movement in the beginning in a *consolidated* nation, had at least to look on with interest while their more far-sighted or more reckless neighbors acted as political experiment stations.

For many years after the Civil War, the State seemed in danger of sinking into a disused organ — a sort of vermiform appendix in the body politic. But now the State re-awakened, — and, with it, new hope for democracy. In 1900, after years of splendid conflict under the leadership of



THE MINNESOTA CAPITOL AT ST. PAUL. From a photograph.

*Robert La Follette*, Wisconsin began to shake off the rule of bosses and machine politics, to control railroads, and to build a truly democratic commonwealth, with her great university for her training school in politics and in nobler living. Then, led by *William Uren*, Oregon adopted democratic machinery that outran anything before known in America. Oklahoma began its statehood with most of the democratic devices known at the time, and with some novel experiments, in its first constitution. And the State elections of 1910 and 1911 witnessed brilliant progress all the way from the redemption of corporation-ridden New

Jersey by *Woodrow Wilson* (page 639) to the redemption of Southern-Pacific-ridden California by *Hiram Johnson*, with the adoption of nearly all the democratic machinery indicated above in several States.

The Australian ballot <sup>1</sup> was the first of these reforms to win general acceptance. Under earlier practice, the parties and candidates printed tickets in any form they liked, often with deceptive labels or with fraudulent changes of one or more names. Thoughtful voters, who wished to vote independently of party labels, found it difficult to do so; and a purchased voter received his ballot from the bribe-giver, who watched him deposit it.

The  
Australian  
ballot

Henry George (page 662) began the American agitation for the Australian ballot in 1886 in New York. In 1887 a bill for the reform was defeated in the legislature; and three years later, when public opinion compelled the old parties to grant the measure, they managed for a while to deceive the people with a sham. The New York ballot of 1890 did secure secrecy; but it encouraged straight party voting by arranging that *one mark* at the head of a ticket should stand for all the candidates of the party selected. Five years later, however, New York secured the true reform ballot, and by 1914 it was in use in 46 of the 48 States.

Good *election* machinery, however, is not enough. Good *nomination* machinery is quite as important. The people must have a fair chance to express their will in selecting the candidates between whom the final choice must be made. This is the aim of a movement for "direct primaries."

Direct  
primaries

Under the old system of nominating caucuses and conventions, rarely did a tenth of the voters take any part in nominations. The matter was left to the political "machines." Or, if a popular contest did take place, the result was often determined by fraud or trickery or by absolute violence. In 1897 the young Robert M. La Follette

<sup>1</sup> The system is essentially the English ballot system of 1870, which had been improved in some measure in some of the Australian states.

of Wisconsin, smarting under undeserved defeat in boss-owned nominating conventions, worked out a complete system of "direct primaries" for State and Nation, and began to agitate for its adoption. In 1901 Minnesota adopted the plan, and it is now in force in nearly half the States.

More significant than choice of officials is direct control by the people over the laws which officials are to carry out.

**Direct legislation** As a rule, even in "democracies," the people have governed themselves only indirectly. They have chosen representatives; and these delegated individuals have made the laws,—sometimes with little response to popular desires. Radical democrats demand that the people take a more direct and effective part in lawmaking by the *referendum* and the *initiative*.

The referendum is the older device. It consists merely in referring to a popular vote for final confirmation a law which **The referendum** has already passed the legislature or the State convention. The practice originated in Massachusetts in the ratification of the State constitution, in 1778 and 1780 (page 219). Since 1820 it has been used almost always in our States for the ratification of new constitutions or constitutional amendments; and there has been a growing tendency to submit to popular vote also, in State or city, questions of liquor licensing, bond issues, and public ownership. For more than a half century, Switzerland has carried the practice much further. There a certain number of voters by petition may compel the legislature to submit *any* law to popular decision.

Switzerland also developed the true complement to the referendum; namely, the initiative. By 1870, in nearly all **The popular initiative** the cantons, a small number of voters could *frame* any law they desired, which the legislature then was compelled to submit to a popular vote;<sup>1</sup> and in 1891 this principle was adopted for the Swiss federal government.

<sup>1</sup> This device also *originated* in America in Revolutionary days, in a provision for amending the constitution of Georgia, but it took no real root at that time.



The profitable working of these devices in Switzerland led to a new enthusiasm for them in America; and by 1905 they had become among the most prominent matters on progressive platforms. In many Western States they are already in force. *Mr. William Uren*, in an address before the City Club of Chicago in 1909, described their working in Oregon and their educational value, as follows:—

“By the initiative . . . eight per cent of the voters are authorized to file with the secretary of state, not less than four months before a general election, their petition demanding the reference to the people of any measure. . . . The full text of the measure must be included in the petition, and one petition will take only one measure.

“*The referendum* provides that five per cent of the voters, at any time within ninety days after the close of a session of the legislature, may file their petition demanding the submission of any measure passed by that legislature. The law is thereby held up until the next election. It does not take effect until it has been voted on and affirmed by the people; and the vote required is a majority of *those who vote on the question*.

“Our law for the operation of the initiative and referendum was amended in 1907, providing that the secretary of state should order *to be printed and distributed by mail to every registered voter*, about three months before the election, *a copy of all the measures* that were submitted, and *all the arguments that were offered for and against them*, principally at the expense of the State. Those offering arguments are required to pay the actual cost of the paper, printing, and press work used for their arguments, but not for the measure, so that it costs [the State] about seventy-five dollars a printed page for argument. It made a book of a hundred and twenty pages last year, *and the people read it.*”

The “recall” provides that a certain percentage of voters, on petition, can at any time force any official to stand for election again in opposition to some new candidate.<sup>1</sup> The advantage of the arrangement over The recall waiting for a new election in one or two years, — or several years, in case of judicial officers, — is that it concentrates

<sup>1</sup> An early American precedent for the “recall” is mentioned on page 245.

attention upon the one official. At a regular election, the matter is complicated by party issues and by the distractions due to choosing many other officials. Opponents of the recall fear that the people will use the power hastily, especially in pique toward judicial officers without due understanding of the technical points involved in judicial decisions that have offended. The reply, of course, is that if the people are fit to choose *untried* men to decide such technical points, they must be fit to choose whether they will keep such men *after* trial. Presumably, when the people possess this power, it will not have to be invoked often. So far, it *has not* been abused (1920), and in several cases its use *has* done much good.

In 1906 *Oregon* adopted a constitutional amendment making every elective officer in the State subject to "recall." In 1908, when *Arizona* applied for Statehood, she placed a like provision in her constitution. Statehood was delayed for some time on this account. Finally in the summer of 1911 a bill for admission passed Congress with a provision requiring the territory first to vote once more upon this clause of the proposed constitution. President Taft vetoed this bill, and, at his insistence, Statehood was offered only on condition that the people of *Arizona* should first vote down the recall provision. This was done in December, 1911; but, at the same time, all the political leaders of the territory proclaimed in advance that, Statehood once secured, they would work to restore the recall to the constitution. This threat was made good in 1912.

Meantime, President Taft's attempt to force a whole people into stultifying itself awoke wide popular indignation, especially in the progressive West. In the fall of 1911, *Washington* placed the recall in its constitution for all officers *except the judiciary*, and *California*, by a vote of *three to one*, adopted an amendment for the recall, *including* application to judges.

For many years there was an unmistakable demand by a great majority of the people for an amendment to the

National Constitution to provide for *direct election of Senators*. Time after time the necessary resolution passed the Representatives, only to be smothered or voted down in the upper House, which had no desire to be brought closer to the popular will. Then the people began to reach their end, *indirectly*, by *State* action. Again *Oregon* led the way. In 1904 (and again in 1908 by a vote of 4 to 1), that State (1) provided that when a United States Senator was to be chosen, the voters, at the election of the legislature, might express their choice for Senator; and (2) ordered all members of the legislature to obey the choice so indicated. This plan spread swiftly, and by 1911 it was in force in nearly half the States.

Direct  
election of  
Senators

Then the reformers turned again to Congress for nation-wide and more direct action, this time successfully. The immediate occasion was a notorious purchase of a senatorship from Illinois by "big business" for a certain Mr. Lorimer. True, a Senate committee of "Stand-patters" made the usual whitewashing report on the case; but that report was riddled piteously by the Insurgents and by the progressive press. Still on the vote to expel, the Stand-patters managed to rally the one-third vote necessary to save their colleague. A resolution for an amendment to provide for popular election of Senators was then pending, and it was soon after defeated *by almost precisely the same vote*. But in the spring came a special session of the new Congress with large progressive gains; and, in 1912, Lorimer was expelled and the amendment passed. Once more had the "wrath of men" worked for righteousness.

Just before the Civil War, and during that great struggle, there was strenuous agitation for a Woman Suffrage amendment to the National Constitution. The more ardent advocates of the measure, like Susan B. Anthony, Elizabeth Cady Stanton, and Julia Ward Howe, had already christened their proposal "the *Thirteenth* amendment"; but they were finally persuaded to withdraw pressure for their cause, temporarily, to make the way easier

Votes for  
women



for the amendments relating to the Negro. Up to this time the United States had led the world in the "women movement," but during the long decadence that followed the Civil War, that movement all but slumbered. With the revival of moral earnestness about 1890, the "equal suffrage" cause shared in the general uplift. Earnest efforts were promptly begun once more for the "Susan B. Anthony" amendment, but the earlier victories came, as in most of these democratic reforms, through State action. As with the other democratic reforms, too, the early victories came in the West.

The first State to grant the ballot to women on full equality<sup>1</sup> with men was Wyoming at its admission in 1890. (The *Territory* of Wyoming had established equal suffrage in 1869 — the one complete victory of the early period.) Colorado established the reform by constitutional amendment in 1893. In 1896 Utah became the third suffrage State, "completing the trinity of true Republics *at the summit of the Rockies*"; and Idaho followed, the same year. For fifteen years no new commonwealth was won to the cause, but none the less the "woman movement" was making rapid progress in politics, in industry, and in social recognition. Then, in 1910, Washington gave women the full ballot. California did so in her reform year, 1911. The democratic year 1912 (page 677 ff.), and its aftermath in 1913-14, raised the total number of suffrage States to twelve by adding Arizona, Kansas, Oregon, Nevada, Montana, and Illinois; and in 1916 some 4,000,000 women voted for President and Congressmen.

*Illinois had been the only State so far east of the Mississippi* to give the vote to women; and there the result was reached by *legislative* action, not by constitutional amendment, and so could not extend to State officers. But in 1917 this "Presidential suffrage" was won for women in Indiana, South Dakota, North Dakota, Rhode Island, Michigan, and Nebraska; and at the November election a constitutional

<sup>1</sup> Many States have long allowed a modified form of suffrage to women in local elections, especially in school elections.

amendment gave women the complete suffrage in the great State of New York. The overwhelming weight of that State in the National government gave peculiar importance to this last victory — spite of defeats at the same election in Ohio and Maine — and many former opponents at once announced that they laid down their arms in obedience to the pronounced will of the American people. The success of the Susan B. Anthony amendment for the Nation was now clearly only a matter of time. The vigorous part taken by women in winning the World War did much to remove remaining opposition, and in 1920 the Suffrage amendment became the law of the land. It was, however, not the Thirteenth amendment, but the Nineteenth; and, instead of being the first country to adopt this democratic measure, the United States was the twenty-second.

As the States were renovated by new democratic machinery, they turned promptly to the uplift of the common life by a long series of social reforms. No one of these has been more spectacular in its rapid victory than the Temperance movement. Between 1905 and 1916, a union of various Anti-saloon forces (largely independent of the regular Prohibition party) made half the States "dry," and set up "county option" in half the rest. The needs of the country during the World War gave increased momentum to the movement, and made *National* action imperative. In 1917 a nation-wide prohibition became law for the continuance of the war, and before this law expired the Eighteenth amendment had established that policy permanently for America.

One factor in this amazing victory calls for explanation. The Brewery Combine early went into politics. Everywhere it fought Woman Suffrage — because it knew women would fight the saloon. It fought the referendum and initiative, because it feared the people, and trusted in its power to corrupt legislatures. It fought every attempt to check or abolish Special Privilege, from a lively expectation of political help to be received in return. It fought the

election of "reformers" of all sorts, to protect itself or its allies. And finally reformers of all sorts learned that they must fight the Liquor power — as a step toward any other reform.

As the story has shown, each of the leading reforms, after starting in State action, soon appeared on the stage of National politics. And during the closing twenty years of the nineteenth century, a group of aggressive young reformers appeared in public life (page 589). The most picturesque among them was *Theodore Roosevelt* of New York, — police commissioner of New York City, Civil Service Commissioner (page 597), Colonel of the "Rough Riders" in the Spanish War (page 613). In 1898 Roosevelt was overwhelmingly elected governor of New York, and had begun to loom up as a possible presidential candidate, to the dread of the Republican machine. In the Republican Convention of 1900 the bosses joined forces to shelve him by nominating him for the figurehead vice-presidency, against his vehement protest. A few months later, the assassination of McKinley made him President. For the first time in our history, an "accidental President" took place at once as a popular leader, and in 1904 he was triumphantly reelected. (The Democratic party in 1904 was controlled mainly by the Eastern and conservative faction, represented by the candidate, Judge Alton B. Parker.)

The seven and a half years of the Roosevelt administrations mark an epoch. In public addresses the strenuous President denounced in startling terms the insolence and criminal greed of aggregated capital, *and so aroused the people to the need of action*. The actual achievements of the administration in its professed work of curbing the trusts and monopolies were less significant. Still the "classified list" under the "civil service reform" law was extended to include even the smallest country postmasters in the more settled half of the country; the Interstate Commerce Commission was revived by the Hepburn amendment (page 632);



suits were pressed vigorously against many trusts under the Sherman Act and Interstate Commerce law;<sup>1</sup> the scandalous conditions in the Chicago stockyards were investigated; a Pure Food law forbade Interstate Commerce in adulterated foods;<sup>2</sup> and, most important of all, new emphasis was given to the "*conservation of National resources*" — a doctrine formulated by Gifford Pinchot, and popularized by the President.



THE ARROW ROCK DAM (Idaho), still building in 1918 when this photo was taken: part of one of the most famous of all the government's projects to irrigate arid lands. This dam is 67 feet higher than the great Roosevelt Dam in Arizona.

President Roosevelt was attacked by certain of the "interests" as a disturber of "prosperity"; but he had a hold upon the nation such as no other Presidents had approached, with the exception of Washington, Jefferson, Jackson, and

<sup>1</sup> During the preceding administrations of Harrison, Cleveland, and McKinley, there had been in all 16 prosecutions; in Roosevelt's seven years there were 44, though little actual check to the trusts resulted.

<sup>2</sup> State laws had already begun a long-needed war upon noxious adulterations. Said Roosevelt, in one of his catchy phrases, — "No man may poison the public for private gain."

Lincoln. At the same time extreme radicals disliked his aggressive foreign policy and his inclination to paternalistic despotism at home. Such critics pointed out (1) that he used his tremendous personal and official power to aid no other real "progressive" in any of the many State contests with Privilege; (2) that his trust prosecutions had not hurt any money king; (3) that he had intimate personal relations with some of the trust magnates, — heads of what he chose to call "good trusts"; (4) that during his seven years the number of trusts had greatly multiplied and their capitalization vastly increased (page 639), along with the new device of concentrating power by the system of interlocking directorates; and (5) that he had as yet taken no stand to reform the tariff, in which his "good trusts" were deeply interested.

In October, 1907, the Knickerbocker Trust Company in New York failed, from speculation and dishonest management, and brought down with it a group of banks supposed to be strong. This began the "panic of 1907." Wall Street, and "big business" generally, attributed the panic to "Theodore the Meddler," who, they asserted, had destroyed public confidence by his attacks upon the commercial interests. Many radicals, on the other hand, claimed that big business had "manufactured" the panic, so as to intimidate the President and the other reformers into keeping hands off. In any case, for once, the cry "It hurts business" failed to check the current for reform.

Roosevelt thought his Secretary of War, *William H. Taft*, especially fitted to carry on his reforms. Accordingly in 1908, he forced Taft upon the Republicans as his successor. The Democrats nominated Bryan for the third time. Between the Roosevelt Republicans of that time and the Bryan Democrats there were many points of sympathy; while within each party a large class was bitterly opposed to these reform policies, and desired a return to the older attitude of the government as a promoter of business prosperity rather

The  
"panic"  
of 1907

The Taft  
adminis-  
tration:  
reaction

than of human welfare. Owing to the general confidence of large masses in Roosevelt, and to the aid given the Republicans by aggregated wealth, Taft was elected overwhelmingly.

As Roosevelt's Secretary of War, Mr. Taft had been a loyal subordinate; but now it soon appeared that he did not himself believe in the "Roosevelt policies." Instead, he belonged distinctly in the conservative ranks.

A group of capitalists had been trying to engross the mineral wealth of Alaska, in part by fraudulent entries. Roosevelt had checked the proceeding by temporarily withdrawing the lands from entry. Richard Ballinger had been the attorney of the grasping ring of capitalists, and previously had served them with information even while in the service of the government. President Taft was induced to appoint this man his Secretary of the Interior, and it seemed as though the grab would then go through under his sanction. The President even dismissed both Gifford Pinchot (a devoted public servant and a man of high standing in the nation) and also Louis Glavis, a subordinate of Ballinger, who had gallantly exposed the treacherous designs of his chief with necessary disregard for official etiquette.<sup>1</sup> Happily, the sacrifice of Glavis, the war waged month after month by *Collier's Weekly*, and the consequent Congressional investigation, even though by a packed committee, compelled Ballinger to resign, and saved the Alaskan wealth for the nation. No one suspected the President of corrupt motives; but it was plain that the corrupt interests had his ear. Other events made his position clear. He did not scruple to use his vast power of patronage to injure progressive Congressmen in their home districts.

The  
Ballinger  
case

Another public clash between President Taft and the Progressives came on the tariff question. The Republican platform of 1908 had declared for a thoroughgoing revision of the Dingley tariff (page 600), asserting that duties ought

<sup>1</sup> Glavis' "insubordination" consisted in fealty to the American people rather than to a traitorous superior in office.



only to "equal the difference between the cost of production at home and abroad, together with a *reasonable* profit for American industries."<sup>1</sup> Mr. Taft, too, had waged his campaign largely on definite pledges for tariff reduction. Shrewd observers doubted somewhat whether the politicians of the party were not too thoroughly in the grip of the trusts to make any real inroad upon the protected interests; and the result justified the skeptical prophecies that any revision by the Republican machine of that day would be a revision *upward*. *The Payne-Aldrich tariff* of 1910, while making improvements on a few points, actually aggravated the evils which the nation had expected to have remedied. It was a brazen defiance of party pledges in the campaign. The House committee, which framed the bill, was notorious, made up, almost to a man, of representatives of beneficiaries of protection, — a clear case of turning the place of sheep dogs over to wolves.

The bill and the committee were attacked fiercely by a large number of the more independent Republican papers and leaders; but the great body of Republican Congressmen, it was soon clear, would "stand pat" for the "System." *A radical section then broke away in a definite "Insurgent" movement.* In the House, the "System" Speaker, "Uncle Joe" Cannon, *aided by the necessary number of "System" Democrats*, easily forced the bill through, with brief consideration. In the Senate, where debate could not so easily be muzzled, insurgent Republican leaders like La Follette and Cummins exposed mercilessly the atrocities of the measure, though they could not hinder its becoming law. And then the compliant President, in attempts to defend his "Stand-pat" friends from public criticism, declared it the best tariff ever enacted.

*The Congressional election of 1910 was a revolution.* The

<sup>1</sup> Somewhat more definitely, the Democratic platform declared for immediate reduction of duties on necessities and for placing on the "free list" all "articles entering into competition with trust-controlled products."

overwhelming Republican majority was wiped out by as large a Democratic majority; and in various impregnable Republican districts, Insurgents succeeded Stand-patters. Even in the slowly changing Senate, Democrats and Insurgents together mustered a clear majority. Some progressive legislation was now enacted. A "*parcel post*" law, similar to those long in use in European countries, struck down the infamous monopoly of the great express companies; the admirable "Children's Bureau" was added to the government machinery; and constitutional amendments were at last enacted providing for income taxes and direct election of Senators (pages 600, 669).

In 1912 Roosevelt announced himself a candidate against Taft for the Republican Presidential nomination. There followed a bitter campaign of disgraceful recrimination between the President and his former friend and chief. In 13 States, Republican voters could then express their choice for a candidate in direct primaries (page 665). Roosevelt carried 9 of these; La Follette, 2; and Taft, 2. President Taft, however, controlled the solid mass of Southern delegates and the machinery of the National Convention. The credentials committee "threw out" many Roosevelt delegations from States where there were "contests," and Taft won the nomination. Roosevelt declared the nomination "a barefaced steal," asserted that no honest man could vote for a ticket "based on dishonor," and called a mass meeting of progressives to organize a new party.

The election  
of 1912:  
the  
Republican  
Convention

And  
Roosevelt's  
bolt

Meantime, the Democratic Convention, in session for nine days at Baltimore, made significant history. In this party, too, the preceding campaign had been a bitter contest between open progressives and more or less secret reactionaries. When the Convention met, the old bosses were in control of a majority of votes. They made plain their intention to organize the meeting in their interest by putting forward for the temporary chairmanship Judge Alton B. Parker (page 672). Mr.

The  
Democratic  
Convention

Bryan had declined to be a candidate for the presidency again, and he now stepped forward as a courageous and skillful champion of the progressive element, waging a contest that finally wrested control from the bosses and turned his party over to the real democracy.

Bryan first appealed to the candidates for the presidential nomination to oppose the bosses' choice for chairman, — a man "conspicuously identified, in the eyes of the public, with the reactionary element." Woodrow Wilson alone stood this "acid test." Other candidates evaded, or pleaded for harmony, to avoid offending possible supporters. Wilson frankly and cordially approved Bryan's purpose. Thus the issue was drawn, and Wilson was marked, even more clearly than before, as the true candidate of the progressives. The bosses seated their man for chairman, but the Democratic masses throughout the country shouted approval of Bryan and Wilson.

Next Mr. Bryan startled the convention and the country by a daring resolution — which was carried almost unanimously — declaring the convention opposed to the nomination of any candidate "who is the representative of, or under obligations to, J. Pierpont Morgan, Thomas F. Ryan, August Belmont, or any other member of the privilege-hunting and favor-seeking class." Two of the gentlemen named sat in the Convention. In the debate Mr. Bryan said: —

"Extraordinary conditions need extraordinary remedies. . . . There is not a delegate who does not know that an effort is being made right now to sell the Democratic party into bondage to the predatory interests of the country. It is the most brazen, the most insolent, the most impudent attempt that has been made in the history of American politics to dominate a convention, stifle the honest sentiment of a people, and make the nominee the bond slave of the men who exploit this country. . . . No sense of politeness to such men will keep me from protecting my party from the disgrace they inflict upon it."

Champ Clark of Missouri at one time had a majority of the delegates for the nomination, but the Democratic rule



required a two-thirds majority. As the balloting proceeded slowly day after day, Wilson gained steadily, mainly because of thousands of telegrams from "the people at home," threatening, urging, imploring their representatives to support Bryan's leadership and Wilson's candidacy. On the forty-sixth ballot Wilson was nominated. *The progressive element, which had failed in the Republican Convention, had conquered in the Democratic.*

And soon another progressive ticket was in the field. Roosevelt's friends proceeded with their new organization, took the name the Progressive party, and nominated Roosevelt upon an admirable radical platform which included Woman Suffrage. Many ardent reformers rallied to this long-desired opportunity for a new alignment in politics; but a large number of their old associates felt that the movement was ill-timed, when the Baltimore nomination had offered so excellent an opportunity to progressives.

Woodrow Wilson was elected by the largest *electoral* plurality in our history, the vote standing, — Wilson, 435; Roosevelt, 88; Taft, 8. Wilson's popular vote exceeded that of Roosevelt by over two million; and Roosevelt's was nearly 700,000 more than Taft's. At the same time, it was plain that the result was due to the split in the Republican party. Mr. Wilson was far from getting a popular majority: indeed he had fewer votes than the defeated Bryan got four years before, — a significant commentary upon the imperfection of our political machinery.

Mr. Wilson's first two years (1913-1914) saw a remarkable record of political promises fulfilled. He called Congress at once in a special session, and kept it at work continuously for almost the whole twenty-four months. The three great problems were the tariff, the currency, and the trusts. Each was dealt with fully, after careful consideration.

*The Underwood tariff* was a genuine "revision downward," and its making was at least *less* influenced by great "special interests" than that of any tariff since the Civil War. Business had wailed "Ruin"; but

Nomination  
of Wilson

The Pro-  
gressive  
party

The Under-  
wood Tariff

no ruin came, and business quickly accepted the new situation.

*The Federal Reserve Act* revised the banking laws, made the currency of the country more elastic, and checked somewhat the possibility of its being controlled by the "money trust" — so long as the government itself represents the people. A few months later (July, 1914) the unexpected outbreak of the European war closed the great money centers of the world without warning; but in this country no bank felt obliged to call its loans. Admirers of the law claim that it has made the old-fashioned "panic" almost impossible; and certainly many of the great banks which had been frantically alarmed by the prospect of the law soon became its warm supporters.

*A Federal Trade Commission* was created, to investigate complaints of unfair dealing by large concerns toward smaller competitors and to provide helpful information and advice when appealed to by legitimate business. This new beneficent branch of the government holds a place in the field of trade much like that of the great Interstate Commerce Commission in the field of transportation. At the same time the *Clayton Anti-Trust Act* sought to check the evil of "interlocking directorates," and to give the courts clear rules for dealing with Trust offenses in place of the vagueness of the old Sherman law.

In addition to meeting so the three pressing problems, the administration secured a law for a *graduated* income tax, shifting the burden of the government in part from the poor to the very rich. Quite as important was a new and needed protection given to labor unions. The courts had begun to threaten unions with punishment for strikes, under the provision of the Sherman law forbidding "conspiracies in restraint of trade." *The Clayton Act expressly exempted labor combinations from such prosecution.* "The labor of a human being," runs this noble provision, "is not an article of commerce." Equally pleasing to Labor was another law checking the tendency to "government by injunction."

Most of this legislation has since been rendered futile by the courts, but at the time progressives were jubilant. President Wilson had long been known as a leading American scholar, a brilliant writer, and a great teacher and university president; but his warmest admirers had hardly hoped for such efficient leadership from "the school-master in politics." This splendid constructive record was



THE UNITED STATES SUPREME COURT IN 1920.

	Brandeis	Pitney	McReynolds	Clarke
Day	McKenna	White	Holmes	Van Devanter

his work; and he carried it to victory by a party long unused to union and with large elements ready to rebel if they dared. He won his victory, too, not by abusing his power of patronage to keep Congressmen in line, but by sheer skill and force of character, aided by the general consciousness that the nation was rallying to his program.

Mr.  
Wilson's  
leadership

The second half of this first term was darkened and confused by terrible foreign complications (below); but these years, too, saw sound progress in domestic reform. *A Good*



*Roads law* offered national aid to the States in building roads, so as to bring the farmer's market nearer to him.

Wilson's second term      *The Smith-Lever Agricultural Education Act* offered coöperation with the States in teaching the farmer how to use the soil more profitably. And *the Rural Credits' law* made the first attempt in our history to get for the farmer the credit and the low interest commonly enjoyed by other business interests. *A Workman's Compensation law* (page 655), of the most advanced character, was made to apply to *all* Federal employees. And *the Child-Labor law* (page 654) sought to free the children of the South from crushing labor in factories and mines.

The last two of these bills had passed the House, but were being still held up in the Senate in August of 1916. President Wilson made a quiet visit to the Senate wing of the Capitol, met the Democratic leaders there, and *demand*ed that they pass both bills before adjournment. Said a hostile periodical — "That is 'politics' but it is politics in a high and statesmanlike sense of the word." (In 1918 the Child-Labor law was declared unconstitutional by the Supreme Court; but the same end was at once secured by a new "Child-Labor Tax" law.)

Foreign perils, however, were the chief mark of President Wilson's second two years, — foreign perils more complicated and threatening than any President before him had had to face. For years Mexico had been weltering in political assassination and revolution. Finally the "Constitutionalist" chief, Carranza, became master; remained so much longer than any recent predecessor, largely because of prompt recognition by the United States; and set himself stubbornly to the gigantic task of rebuilding his country, with at first much show of progress. He did not prove able, it is true, to keep down revolt and brigandage in remote mountainous districts or on the American border. The Mexican people hate and fear the Americans, and bandits who repeatedly took American citizens from railroad trains to murder them, and who raided American towns across the

Mexican  
complica-  
tions

border with every form of outrage, were always sheltered among their own people. To one who knows only this side of the story it would seem that few wars have had more provocation than Mexico offered the United States.

On the other hand, lawless and violent Americans along the frontier have been guilty of numerous outrages on unprotected Mexican soil, of which the mass of Americans never hear. Great American "interests," too, hungry to seize for themselves raw wealth of oil and rubber, which Carranza was seeking to keep for a people's inheritance, constantly clamored for American intervention to "restore order" in Mexico. The skillful propaganda of these interests was the more dangerous because a deplorably large part of American society, with its customary harsh contempt for alien peoples, feels that sooner or later we must "clean up" Mexico by taking it away from a race incapable of civilization. But President Wilson, with a noble sympathy for <sup>Wilson</sup> a distressed people feeling its way stumblingly to- <sup>avoids war</sup> ward a national life, held resolutely to a policy of "watchful waiting," and charged publicly that Mexican disorders were due largely to secret incitement and support from American interests determined to embroil the two countries. Critics derided this policy bitterly as responsible for the unavenged murder of American citizens. Admirers declared it right and wise. Nothing else, they urged, could have done so much to allay the ancient distrust felt toward us by all our Latin-American neighbors, whose friendship we so much desire. At the same time the Carranza government persisted in expressing bitter distrust of President Wilson, partly perhaps because on two occasions of extreme provocation he so far abandoned his general policy as to send troops into Mexico — in both cases with little result.

Meantime in the Old World heavier clouds had long been massing; and in July of 1914 had come a flash to set the world ablaze — from the policy of the Austrian Empire toward *her* troublesome "Mexico," Serbia. The story of American history now becomes entangled inextricably, for the time at least, with the complex web of world history.

## PART XII—THE WORLD WAR

### CHAPTER XLIII

#### HOW THE WAR CAME

##### I. THE MATERIALS FOR CONFLAGRATION

WITHIN our own nation (as of course also in every other) we have seen a fierce and ever-growing struggle for wealth and power between individuals and between Anti-social forces classes. At no distant future, that struggle must become a menace to civilization, unless we learn to substitute for selfish rivalry some form of coöperation for the common good. Intranational competition, however, is ameliorated by the fact that it *is* intranational. There are legislatures to prescribe rules of the game, and courts to arbitrate disputes; and so, even in our threatening class-struggle, we can postpone, and perhaps ultimately avoid, a fatal clash.

Civilization is endangered more immediately by a like competition between nations themselves. In 1900 the world held some fifty of these larger "individuals," engaged (all that were strong enough to risk it) in a precisely similar struggle for wealth and power. And for them there was no higher arbiter, no common legislature, to soften the brutal maxim, "The race is to the strong, and the Devil take the hindmost."

For any nation not to engage in that race to the full extent of its powers would have been to acquiesce cravenly in inferiority, — less labor and poorer pay for its workingmen, less profit for its capital, and therefore a lower civilization. Modern civilization is based primarily on industrialism; and *the life blood of modern industrialism is trade*: trade not merely with other civilized nations, but also for



the products of tropical and subtropical regions, where a few years ago no strong state existed, and where, accordingly, civilized capitalists found the best chances to exploit the raw wealth, including the labor of defenseless human beings.

*Under existing conditions* it is futile to blame a nation for entering the struggle. The blame lies in the amazing fact that *no* nation made any determined and intelligent effort to change these conditions so as to abolish commercial cannibalism. Rightly seen, the raw wealth of the globe belongs to no one or two arbitrary divisions of the globe's population: it is the heritage of the whole world, present and to come; and there must be a world organization to see it properly safeguarded and utilized. True, this is much to ask of a world in which each nation still permits grasping individuals to engross natural wealth that should belong to all its people. But if the task is great, so is the peril in not accomplishing it. The alternative is ruin. The hope that we may achieve a world federation to save civilization, lies in the old imperative, "We can, because we must."

Ever since Columbus and da Gama disclosed to little Europe the vast new worlds east and west, the European "powers" have been grabbing greedily at "colonial empire." That is, each has sought to seize the largest possible part of the world's raw materials for its factories, and the largest markets for its factory output. In the eighteenth century, this rivalry became world-wide war. From 1689 to 1783, France and England wrestled incessantly for world empire, grappling on every continent and every sea, while, as allies of this one or of that, the other powers grasped at crumbs of European booty, and — more distant but more directly involved — Black men speared one another on the banks of the Senegal, Red men scalped one another on the shores of the Great Lakes, and the native populations of ancient India trampled one another under the feet of trumpeting elephants. The close saw France almost stripped of her old dependencies; and, a little later, when she seemed helpless in her Revolution, England attacked her again to

Inter-  
national  
rivalry

complete the victory. For a while Napoleon seemed likely to regain the Mississippi valley and India; but Waterloo left England "the mightiest nation upon earth," for some seventy years without an aggressive rival for world dominion. During that period, other European nations got along somehow (though less prosperous than England) because trade had not yet become the supremely vital thing it was soon to be. The Industrial Revolution, which had transformed England by 1800, and America by 1825, and France by 1840, did not really reach Germany until nearly 1870. Even then, for a while, France and Germany were occupied mainly with their intense European rivalry. But steam and electricity were swiftly drawing the globe's most distant provinces into intimate unity, and world trade was taking on a new importance. Accordingly, after 1871, the new capitalistic French Republic began to seek expansion in north Africa and southeastern Asia; and in 1884, at the Congress of Berlin, the new capitalistic German Empire gave notice that thenceforth it meant to share in the plunder. The next quarter-century saw a mad scramble between Germany, France, and the already partially sated England for the world's remaining rich provinces defended only by "inferior" races. Meanwhile the United States, occupied until then by the appropriation of her own vast continent from ocean to ocean, began to reach out for the islands of the sea; and Russia accelerated her century-long expansion in Asia toward India (threatening England's hold there) and toward ice-free Pacific ports, threatening China and Japan, until checked in the Russo-Jap War of 1904-1905.

This nineteenth-century exploitation, unlike that of the eighteenth, had been carried forward at the expense of savage or semi-barbarous peoples only. For a hundred years there had been no "great" war between "Christian" nations waged openly for greed.<sup>1</sup> Indeed, toward the close,

<sup>1</sup> The Crimean and Spanish-American wars were not *avowedly* for empire. The Mexican War is more to the point; but it was a trifling struggle, and much of the world was ready to acquiesce in a too common American opinion that the weak and disorganized Mexicans had no rights that a powerful neighbor was bound to respect.

whenever one nation made an important seizure of booty, some international conference arranged compensatory gains for any seriously discontented rival — and so preserved temporarily a delicate "balance" of interests.

But this balance was one of exceedingly unstable equilibrium. A touch might tip it into universal ruin. *And there were no materials to continue adjusting it on the old plan.* The world was now parceled out. Further expansion of consequence by any "power" meant direct conflict with some other "power." Moreover, so complicated had rivalries and alliances become, any conflict at all now meant a *world* conflict; and, so "improved" were agencies of destruction, a world struggle now meant ruin out of all comparison with earlier wars.

To-day this is plain enough. But until the late summer of 1914 the certain danger (and the only way of escape) was glimpsed but dimly and by only a few "dreamers." Complacently the peoples and their "practical" statesmen continued to drift on the brink of unparalleled disaster. It seems now almost incredible that a world inhabited by rational beings should not at least have made some determined effort to prepare for peace; but in plain fact (apart from the rather empty gestures discussed in chapter xl) the mightier nations merely hastened the catastrophe by preparing only for war.

By 1910, Europe had aligned itself in two camps, the *Triple Alliance* and the *Triple Entente*.

1. After Bismarck conquered France in 1871, he sought to isolate her so as to keep her from finding any ally in a possible "war of revenge." To this end he cultivated friendship with all other European powers, but especially with Russia and Austria. Austria he had beaten in war only a few years earlier (1866); but he had treated her with marked gentleness in the peace treaty, and the ruling German element in Austria was quite ready now to find backing in the powerful and successful German Empire.

Bismarck's  
Triple  
Alliance



Soon, however, Bismarck found that he must choose between Austria and Russia. These two were bitter rivals for control in the Balkans. The Slav peoples there, recently freed from the Turks, looked naturally to Russia, who had won their freedom for them, as the "Big Brother" of all Slavs. But Austria, shut out now by the new Germany from control in central Europe, was bent upon aggrandizement to the south. In particular her statesmen meant to win a strip of territory through to Saloniki, on the Aegean, so that, with a railroad thither, they might control the rich Aegean trade. Accordingly Austria sought always to keep Serbia weak and small, that she might interpose no barrier to these ambitious plans; while Russia, hating Austria even more than she loved the Balkan Slavs, backed Serbia.

This rivalry became so acute by 1879 that there was always danger of war; and in that year Bismarck chose to side with Austria as the surer ally. Three years later, he drew Italy into the league, making it the Triple Alliance. Italy was so bitterly enraged at the French seizure of Tunis in that year, in flat disregard of Italian imperialistic ambitions there, that she laid aside her ancient differences with Austria for a time and agreed to aid the central empires in any war in which they should be attacked by two or more powers — in return for backing in her colonial ambitions.

2. Then Russia and France, each isolated in Europe, drew together for mutual protection into a "Dual Alliance" (1884).

**The Dual Alliance** This left England alone of the Great Powers outside these alliances. Bismarck hoped to draw her into his "triple" league, and his hope was not unreasonable. In the eighties and nineties, England and France were bitter rivals in Africa, and England and Russia, in Asia. England, however, clung to a proud policy of "splendid isolation." Then, after Bismarck's fall, she began to see in the German Emperor's colonial ambitions a more threatening rival than France; and Russia's defeat by Japan made Russia less dangerous. German militarism, too, was hateful to English democracy. Moreover, England and France were daily

coming to a better understanding, and in 1903 a standing arbitration treaty made war between them much less likely. Soon afterward, England and Russia succeeded in agreeing upon a line in Persia to separate the "influence" of one power in that country from the "influence" of the other, so removing all immediate prospect of trouble between the two. From this time the Dual Alliance became the Triple Entente — England, France, and Russia. England was not bound by definite treaty to give either country aid in war; but it was plain that France and Russia were her friends.

Each of the two huge leagues always protested that its aim was peace. No doubt many men in both — and nearly all in one — did shrink from precipitating a conflict between such enormous forces under the new conditions of army organization, quick transportation, and deadly explosives. For half a century, except for the minor struggles in the half-savage Balkans, Europe rested in an "armed peace." But this "peace" was based upon fear, and it was costly. Year by year, each alliance strove to make its armies and navies mightier than the other's. Huge and huger cannon were invented, only to be cast into the scrap heap for still huger ones. A dreadnaught costing millions was scrapped in a few months by some costlier design. The burden upon the workers and the evil moral influences of such armaments were only less than the burden and evil of war. Of all civilized countries, too, only England, trusting to her navy, and the United States, trusting to geography, were free from the more crushing burden of universal military service. Worst of all, the situation in itself made for war. In every land, thousands of ambitious young officers, devoted to their calling, could not escape an itch to try out their pet war machine — and to prove for themselves an excuse for being.

## II. THE BALKANS: A SEED PLOT FOR WAR

Here were heaped materials for a world conflagration. A fuse was found in the Balkan situation. The little Balkan district is a crumpled criss-cross of interlacing mountains

and valleys, peopled by tangled fragments of six distinct and mutually antagonistic peoples: the *Turk*, long encamped as a conqueror among subject Christian populations, but for the last hundred years slowly thrust back toward Constantinople; the *Greeks*, mainly in the southern peninsula, with the *Albanians* just to the north along the Adriatic; the *Roumanians*, mainly north of the Danube; and, between Greece and Roumania, the *Bulgarians* and *Serbs*. The "Bulgars" (on the east, toward the Black Sea) came into the peninsula as conquerors from Central Asia in the eighth century. Originally baggy-trousered nomads, akin to Tartars, they have become essentially Slavic in blood by absorption into the peoples among whom they settled; but they keep a ruinous "patriotic" pride in their ancient history as a race of conquerors. The Serbs are the most direct representatives of the South Slavs who conquered and settled the Balkan region two hundred years before the appearance of the Bulgars; but in 1910 their ancient empire was still in fragments from accidents of Turkish rule. Bosnia, the northwestern part, had maintained itself against the conquering Turk longest, and, becoming a distinct province under the Turks, had never been reunited to the rest of Serbia. The lands of the Croats and Slovenes were reconquered from Turkey by Hungary in the eighteenth century, and had long been subject provinces of the Austrian Empire, though they belonged to Serbia by race, language, and older history. And in the fastnesses of Montenegro ("Black Mountain") dwelt some two hundred thousand half-savage Serbs who had never yielded to the Turk but had kept their independence at the expense of "five hundred years of ferocious heroism."

About a century ago the rule of the Turk in the Balkans began to disintegrate. Greece won independence in an eight-year war (1821-1828); and Roumania and Serbia were advanced to the position of merely tributary states, ruled thenceforth by their own princes. The Crimean War (1856), in which France and England attacked Russia, bolstered up the tottering Ottoman Empire for a time, but a



great collapse came twenty years later. The Sultan had promised many reforms for his Christian subjects; but these promises bore no fruit, and in 1875-1876 the Bosnians and Bulgarians rose for independence. There followed the horrible events long known as the "Bulgarian Atrocities." Turkish soldiers destroyed a hundred Bulgarian villages with every form of devilish torture imaginable, and massacred 30,000 people, carrying off also thousands of Christian girls into terrible slavery. Then Serbia sprang to arms; and Tsar Alexander II of Russia declared war on Turkey. The horror in Western Europe at the crimes of the Turk prevented for a time any interference; and in ten months the Russian armies held the Turks at their mercy. The Peace of San Stefano (1878) arranged for a group of free Slav states in the peninsula and for the exclusion of Turkey from Europe except for the city of Constantinople.

Russo-  
Turkish  
War of 1877

Alexander would probably have kept on to secure Constantinople, had he not seen a growing danger of European interference. And even now Europe did intervene. Austria wanted a share of Balkan plunder; England feared the advance of Russia toward her communications with India; and so the Peace of San Stefano was torn up. The Congress of Berlin (1878), dominated by Disraeli, the English Conservative, restored half the freed Christian populations to their old slavery under the Turk; handed over Bosnia to Austria to "administer" for Turkey, *with a solemn provision that Austria should never annex the territory to her own realms*; and left the whole Balkan district in anarchy for a third of a century more. (See map, p. 694.) In fixing responsibility for the World War of 1914, this crime of 1878 cannot be overlooked.

Congress  
of Berlin,  
1878

It is only fair to note that while the English government was chiefly responsible for that crime, the English people promptly repudiated it at the polls. Gladstone came forth from retirement to stump England against the "shameful alliance with Abdul the Assassin"; and at the next elections (1880), Disraeli was overthrown by huge majorities.

The wrong to the Balkans could not then be undone, but from this time England drew away from her old policy of courting Turkish friendship — wherein her place was quickly taken by Germany.

No part of her non-European empire interested German ambition so deeply as her advance into Asia Minor. This Germany in Asia Minor began in earnest about 1900. Germany did not acquire actual title to territory there; but she did secure from Turkey various rich "concessions," guaranteeing her for long periods the sole right to build and operate great railroads and to develop valuable mining and oil properties; and this "economic penetration" she intended confidently to turn into political sovereignty.

To obtain such concessions, Germany had sought the Turk's favor in shameful ways. She loaned to the Sultan German officers to reorganize and drill the Turkish armies, and supplied him with the most modern arms to keep down the rising Christian natives under his yoke — as in the Turkish war with Greece for Crete in 1897. And in 1895 when new Armenian massacres had roused England (precisely as Spanish massacres in Cuba some two years later aroused the United States) so that great public meetings were calling for war upon Turkey, Kaiser Wilhelm sent to the Sultan his photograph and that of his wife, as a pledge of German friendship and support.

The prospect of German dominance in Asia Minor brought Germany and Austria into closer sympathy in their Balkan policies. Austria's interference in those regions German and Austrian plans at one had been purely bad, aiming to keep the little Balkan states weak and mutually hostile, and especially to prevent the growth of a "Greater Serbia." Now (1898, 1899), Germany obtained concessions from Turkey for a railway from "Berlin to Bagdad," to open up the fabulously rich Oriental trade. A powerful Serbia, through which that line must pass, might have hampered the project. Thenceforward Germany was ready to back Austria unreservedly in Balkan aggression. And in return,

Austria permitted herself to sink virtually into a vassal state of Germany in all other foreign relations. Such was the origin of the German dream of a "Mittel-Europa" empire, reaching across Europe from the North Sea to the Aegean and the Black seas, and on through Asia Minor to the Euphrates.

The  
"Middle-  
Europe"  
dream

In 1908 came a step toward fulfilling the plan. Taking advantage of internal dissensions in Turkey, Austria formally annexed Bosnia, in flat contradiction to her solemn pledges. This was not only a brutal stroke at the sanctity of treaties, but it seemed also a fatal blow to any hope for a reunion of that Slav district with Serbia. Serbia protested earnestly, and was supported by Russia. But the Kaiser "took his stand in shining armor by the side of his ally," as he himself put it; and Russia, still weak from her defeat by Japan and from her revolution of 1906, had to back down. Serbia was then forced by Austria's rough threats to make humiliating apologies; but a network of secret societies at once grew up in Serbia pledged to hostility to the "odious and greedy northern neighbor who holds millions of Serb brothers in chains."

Austria  
annexes  
Bosnia.  
1908

Then came an event less favorable to the Teutonic designs. United action by the mutually hostile Balkan states had seemed impossible. But in 1912, Bulgaria, Serbia, Montenegro, and Greece suddenly joined in a war to drive the Turk out of Europe. Serbia was to have northern Albania, with its seaports; Montenegro, the port of Scutari; Greece, southern Albania and a small strip of Macedonian coast; and Bulgaria the bulk of Macedonia.

Balkan  
Wars of  
1912, 1913

The allies won swift victories, and in a few months were almost at the gates of Constantinople. "Europe" intervened to arrange the peace terms. Italy, like Austria, was hostile to a Greater Serbia; and at the insistence of these powers, backed by Germany, a new Kingdom of Albania was created, shutting off Serbia once more from the sea she had



reached, while Montenegro was forced, by threat of war, to give up to Albania Scutari, which she had conquered. Turkey was to surrender, mostly to Bulgaria, her remaining territory in Europe except for Constantinople. Germany had carried her points in this settlement; but her ally, Turkey, had collapsed, and events were at once to show that in siding with Bulgaria she had "put her money on the wrong horse."



1912



1913

THE BALKAN STATES.

The treaty left Bulgaria almost the only gainer. The cheated allies demanded that she now share her gains with them. She refused; and at once (June, 1913) followed "the Second Balkan War." Greece, Serbia, Montenegro, and Roumania attacked Bulgaria. The Turks seized the chance to reoccupy Adrianople, and were permitted to keep it. In a month Bulgaria was crushed, and a new division of booty was arranged. Greece won the richest prize, including the city of Saloniki; but each of the other allies secured gains.

The primitive Balkan peoples now hated one another

with an intensified ferocity. Especially did Bulgar now hate Serb and Greek. Serbia, too, was still cheated of her proper desire for an outlet on the Adriatic, her only natural gateway to the outside world, and she resented fiercely the Austrian and Italian policy which had so balked her — especially as Austria now shut out all her pork, and so made valueless her droves of pigs, her only form of wealth. Austria felt deeply humiliated by the outcome of the Second Balkan War, and was planning to redress her loss of prestige by striking Serbia savagely on the first occasion.

There followed in 1913 a new and ominous stride in militarism. First Germany adopted a new army bill, to increase her army *in peace* from 650,000 to 870,000. Three weeks later (July 20) France raised her term of active service from two years to three, and Austria and Russia at once took like measures. Prince Lichnowsky, German ambassador at London, has told us that only England's honest desire for peace, and her coaxing Montenegro and Serbia into submission at the close of the First Balkan War, prevented a world war then. A year later, England's efforts to a like end failed.

### III. GERMANY WILLS THE WAR

One reason why the world drifted so complacently toward catastrophe was the general belief (outside diplomatic and military circles anyway) that, despite their armaments, the great "Christian" states were too good or at least too wise ever again to engage in war with one another merely for plunder — with the terrible ruin that such war must bring under modern conditions. And this belief was in itself a safeguard, in a measure. The catastrophe would at least have been postponed, except that one great nation did not share the faith in peace, or the desire for it. The willing hand to light the deadly fuse was Germany's.

For half a century Germany had been ruled by a Prussian despotism resting upon an old bigoted and arrogant oligarchy of birth, and a new, greedy, scheming

oligarchy of money. That rule had conferred on Germany many benefits. It had cared for the people as zealously as the herdsman cares for the flocks he expects to shear. But in doing so it had amazingly transformed the old peace-loving, gentle German people. It had taught that docile race to bow to Authority rather than to Right; to believe Germany stronger, wiser, better, than "decaying" England, "decadent and licentious" France, "uncouth and anarchic" Russia, or "money-serving" America; to be ready to accept a program, at the word of command, for imposing German *Kultur* upon the rest of the world *by force*; to regard war, even aggressive war, not as horrible and sinful, but as beautiful, noble, desirable, and right, — the final measure of a nation's worth, and the divinely appointed means for saving the world by German conquest; and finally to disregard ordinary morality, national or individual, whenever it might interfere with the victory of the "Fatherland."

This diseased "patriotism" began with the war-begotten Empire. As early as 1872, Von Schellendorf, Prussian War-Minister, wrote: —

"Do not forget the civilizing task which Providence assigns us. Just as Prussia was destined to be the nucleus of Germany, so the new Germany shall be the nucleus of a future Empire of the West. . . . We will successively annex Denmark, Holland, Belgium, . . . and finally northern France. . . . No coalition in the world can stop us." Leaders of German thought adopted this tone, until it dominated pulpit, press, university, and all society. Treitschke, a leading historian, could teach impiously: "War is part of the divinely appointed order. . . . War is both justifiable and moral, and the idea of perpetual peace is both impossible and immoral. . . . The salvation of Germany can be attained only by the annihilation of the smaller states." And the philosopher Nietzsche exclaimed with a sort of ecstasy: "Ye shall love peace as a means to new wars, and the short peace better than the long. . . . You say a good cause hallows even war; but I tell you a good war hallows



*every cause.*" The Kaiser had long been a convert to this evil doctrine, and one of its noisiest preachers. Said he (at Bremen, March 22, 1900), — "We are the salt of the earth. . . . God has called us to civilize the world. . . . We are the missionaries of human progress." And the Crown Prince added this interesting interpretation: "It is only by trust in our good sword that we shall be able to maintain that place in the sun which belongs to us." German school children had these doctrines drilled into them. Said one school manual (*School and Fatherland*, 1913): "Germany's mission is to rejuvenate exhausted Europe by a diffusion of Germanic blood." And *Jung Deutschland*, official organ of the Young German League (an organization corresponding in a rough way to our Boy Scouts), explained more specifically: "*War is the noblest and holiest expression of human activity.* For us, too, the glad, great hour of battle will strike. Still and deep in the German heart must live the joy of battle and the longing for it. Let us ridicule to the utmost the old women in breeches who fear war and deplore it as cruel and revolting. No; *war is beautiful.* Its august sublimity elevates the human heart beyond the earthly and the common. In the cloud palace above sit the heroes Frederick the Great and Blücher; and all the men of action — the great Emperor, Moltke, Roon, Bismarck — are there as well, but not the old women who would take away our joy in war. . . . *That is the heaven of young Germany.*"

And so on almost without end. It is no pleasant task now to recall this monstrous ritual chanted so universally by the makers of opinion in a great nation in praise of international envy and suspicion and war. Nor is it recalled here to add any discredit to the new Germany struggling toward a better life. But the story carries a lesson that the world should never forget — a lesson less now for Germany than for her conquerors, "lest *they* forget"; lest, in the rebound from the world struggle, *they* bow down in a worship of violence before some similar misshapen image of nationalism.

True, in that *old* Germany, a few lonely voices, like Ottfried Nippold, protested against this doctrine of insolent and ruthless Might, and the Socialists of course offered a vain opposition. Indeed the bulk of the peasants and artisans wished not war but peace; but these were *silent* social forces, unorganized, passive, and defenseless. And even these elements were deeply influenced by the persistent propaganda that England hated their country and was only waiting a chance to destroy it. Between 1912 and 1914, to be sure, the German ambassador to England, Prince Lichnowsky,<sup>1</sup> repeatedly assured his government of England's friendly and pacific feeling. But these communications, so out of tune with the purpose of the German government, never reached the German people.

As Bismarck prepared his "Trilogy of Wars" thirty years before, of which he boasted so insolently, in order to make Prussia mistress of Germany, so after 1890, even more deliberately, Kaiser Wilhelm and his advisers prepared vaster war to make Germany mistress of the world. They hoarded gold in the war chest; heaped up arms and munitions, and huge stocks of raw materials, to manufacture more; secretly tried out new military inventions on a vast scale,—submarines, zeppelins, poison gases, new explosives; created a navy in a race to best England's; bound other ruling houses to their own by marriage or by placing Hohenzollerns directly on the throne—in Russia, Greece, Bulgaria, Roumania; reorganized the Turkish Empire and filled offices in the army and navy there with Germans; permeated every great country, in the Old World and the New, with an insidious and treacherous system of spies in the

<sup>1</sup> This cultivated and able German Liberal, wholly free from the spirit of German jingoism, had been selected for the position apparently in order to blind English opinion as to Germany's warlike aims. When the war came, he found himself in disgrace with the Kaiser and the German court; and at the opening of the second year of the war (August, 1916) he wrote an account of his London mission for *private* circulation among his friends, to justify himself in their eyes. A copy fell into the hands of the Allies during the next year, and became at once one of the most valuable proofs of the German guilt in forcing on the war.

guise of friendly business shielded by innocent hospitality; secured control of banking syndicates and of newspapers in foreign lands, especially in Italy and America, so as to influence public opinion; and built military railroads converging upon the boundary of Belgium.

In June, 1914, the Kiel Canal from the Baltic to the North Sea was finally opened to the passage of the largest ships of war. Now Germany was ready, and her war lords were growing anxious to use their preparation before it grew stale — and before France and Russia should have time to put into effect the new army laws they had been terrified into adopting (page 695). Moreover, war, better than anything else, would quiet the rising feeling in Germany, especially among the Socialists, against militarism. Another set of circumstances made the moment a happy one for what the German phrase-makers had begun to call a “preventive war”: Russia was distracted by violent strikes of workingmen in her cities; France by a tumultuous resistance to her new army law; and England, by an embryo civil war in Ireland. Germany, we know now, had seriously considered precipitating war on several previous occasions connected with *colonial* questions in Africa; but her leaders prudently preferred a first war in which England would not be likely to join, so that the Teutonic empires might have only France and Russia to deal with at one time. In the Balkans, England had shown no selfish interest for many years, and it was easy to believe that she would not fight upon a Balkan question.

And at this instant came just the occasion the German war lords wished. Ever since its unjust seizure by Austria (page 693), Bosnia had been seething with conspiracies against Austrian rule. June 28, 1914, the heir to the Austrian throne, the Archduke Francis, and his wife, were assassinated while in Bosnia by such conspirators. Austrian papers loudly declared Serbia responsible, but a month passed quietly before the Austrian government took open action. That month, however, was used in secret preparation by Germany. July 5 there was

The occasion in the Balkans



held at Potsdam a secret conference of military authorities, bankers, and manufacturers of munitions; and a war program was decided upon. Then July 23, without warning, Austria launched her forty-eight hour ultimatum to Serbia — demands that would have degraded that country into a mere vassal state, and which, the minutes of the Austrian Cabinet show, were purposely made impossible of acceptance. The German government supported Austria to the hilt, as the Kaiser had promised beforehand to do; and in twelve days a world-conflagration was ablaze.

It is not needful to retell here the complicated story of those twelve days. Two facts of supreme significance are established :

1. England made extreme efforts to get concessions from Serbia, in the interests of peace, and when that little country did make submission more humble than could have been expected (reserving only her national independence), England repeatedly asked Germany to help get Austria's acceptance of the terms, or at least her consent to arbitrate the remaining points. Failing this, England pled, in vain, that Germany herself should suggest some plan to preserve peace. Lichnowsky believed that if his country had wished peace, a settlement could easily have been secured, and he "strongly backed" the English proposals; but in vain. "We insisted on war," he says in his account to his friends; "the impression grew that we wanted war under any circumstances. It was impossible to interpret our attitude in any other way." And again, "I had to support in London a policy the wickedness of which I recognized. That brought down vengeance upon me, because it was a sin against the Holy Ghost."

2. The German government, which all along had secretly pulled the strings, now forced on the war (even when Austria for a moment showed hesitation) by a series of insulting ultimatums to Russia, France, and Belgium, each justified to the German people by glaring

England's  
efforts to  
keep the  
peace

Germany  
wills war

falsehood. August 3, German troops invaded Belgium, as the easy road to Paris, despite the most solemn treaty obligations to respect the neutrality of that land. And the same day England "went in," as she had distinctly told Germany she would do if Belgium were attacked.

This sadly upset German calculations. Chancellor Bethmann-Hollweg had believed that "shop-keeping" England would refuse to fight, and he expressed bitterly to the English ambassador his amazement that England should enter the war "just for a scrap of paper." The German government had blundered, and the irritating consciousness of a blunder called forth a frenzy of hate against England — whose overthrow in a later war, it was now openly avowed, was the real German goal. "May God blast England" became the daily greeting among the German people.

But, after all, Germany was prepared for war "to the last shoe-lace," and her opponents were unprepared. Least of all was England ready. She had no army worth mentioning — only a few distant and scattered garrisons; War aims and, worse still, she had no arms for her eager volunteers and no factories worth mention to make munitions. Both parties declared they fought to establish peace. But German leaders made it plain that they looked only to a sort of peace by slavery, — a peace won by making Germany so supreme in the world that no other power could possibly dream of withstanding or disobeying her. Said Chancellor Bethmann-Hollweg (May 28, 1915): "We must endure till we have gained every possible guarantee, so that none of our enemies — not alone, not united — will again dare a trial of strength with us." Over against this ideal of a Roman peace, English statesmen set up the ideal of a peace of righteousness. Said Sir Edward Grey, the English Foreign Minister; — "What we and our allies are fighting for is a free Europe. We want a Europe free, not only from the domination of one nationality by another, but from hectoring diplomacy and the peril of war, free from the constant rattling of the sword in the scabbard, from perpetual talk of shining armor and war lords. We are fighting for equal rights; for law, justice.

peace; for civilization throughout the world as against brute force."

And, with full allowance for rhetoric and for misrepresentation, the difference was a real one. Even in England, to be sure, there had not been wanting in past years an occasional statesman or military leader to suggest, in private, a treacherous attack upon Germany's fleet before it should grow too strong; and at times Russian and French statesmen had plotted for war. But in England and France any voice lifted openly for offensive war was drowned instantly in storms of indignant rebuke: Germany, on the other hand, led by its war-besotted prophets, had been making ready zealously for wars of greed.



## CHAPTER XLIV

### AMERICA AND THE WAR

IT is not the place of this volume to tell the story of the war further than needful to explain America's part in it. The Germans had planned a short war. They expected (1) to go through Belgium swiftly with little opposition, and to take Paris within four weeks; (2) then to swing their strength against Russia before that unwieldy power could get into the war effectively, and crush her; and (3), with the Channel forts at command, to bring England easily to her knees, if she should really take part.

Thanks to Belgium, the first of these expectations fell through — and the others fell with it. The Germans had allowed *six* days to march through Belgium. But for sixteen days little Belgium held back mighty Germany. When the French began mobilization, after August 2, they began it to meet an honest attack through Lorraine; but before the Belgians were quite crushed, the French contrived to shift enough force to the north so that, along with a poorly equipped "Expeditionary Army" of 100,000 from England, they managed to delay the advance through northern France for three weeks more — ground for which the Germans had allowed eight days. Tremendously outnumbered, outflanked, trampled into the dust in a ceaseless series of desperate battles, the thin lines of Allied survivors fell back doggedly toward the Marne. There September 6, Battle of the Marne when the boastful invaders were in sight of the towers of Paris, only 20 miles away, the French and English turned at bay in a colossal battle along a two-hundred mile front. The Battle of the Marne wrecked the German plan. To save themselves from destruction the invaders then

retreated hastily to the line of the Aisne, whence the exhausted Allies failed to dislodge them. Both sides "dug in," along a 360-mile front from Switzerland to the North Sea. Then began a trench warfare, new in history. The positions stabilized, and, on the whole, in spite of repeated and horrible slaughter, were not materially changed until the final months four years later.

While England's first heroic army died devotedly to gain their country time, England reorganized herself for war, and eventually put into the field a splendid fighting force of six million men — a million ready for the second year. From the first, too, England's superb navy swept the seas, keeping the boastful German dreadnaughts bottled up in the South Baltic, and gradually running down the few German raiders that at first escaped to prey on English commerce. Except for the English navy, Germany must have won the war before the end of the second summer. England did not enforce her blockade of Germany rigidly, in the first months, for fear of offending unsettled opinion in America; but America's resources in food and munitions were for the most part closed to Germany, and were kept fully available for the Allies.

Meantime, the war was spreading. Within the first few weeks, England's distant daughter-commonwealths — Canada, Australia, New Zealand, South Africa, and even her subject India — were rousing themselves nobly to defend their common civilization. Japan, England's ally in the Orient, entered the war, too, to seize Germany's holdings in China and in the northern Pacific. Turkey had openly joined the Teutonic powers; and, in the second autumn, Bulgaria did so, hoping to wreak vengeance on Serbia for 1913 and to make herself the dominant Balkan state. In the spring of that same year, after driving a hard bargain for territory with the Allies in a secret Pact of London, Italy broke away from the Triple Alliance and declared war on Austria.

England's  
sea power

A "World  
War"

On the whole, however, the close of the first two years saw great gains for Germany. The Russian armies, after gallant fighting, betrayed by generals in the field and by a traitorous pro-German war office at home, had suffered absolutely indescribable losses; and Serbia, after heroic resistance, had been wiped from the map. Germany now dominated a solid broad belt of territory from Berlin and Brussels and Warsaw to Bagdad and Persia, map, page 725. True, she began to feel terribly the blockade of the English navy. Her stocks of fats, rubber, cotton, and copper were running low, and her poorer classes were suffering from undernourishment — as was shown by a horrible increase in the infant death rate. But the ruling classes felt no pinch, and looked hopefully now to the domination of the East to retrieve the markets.

German  
success in  
the first  
two years

From the first the warfare in the field was marked by new and ever more terrible ways of fighting, with increasing ferocity and horror from month to month. Ordinary cannon were replaced by huge new guns whose high explosives blasted the whole landscape into indescribable and irretrievable ruin — burying whole battalions alive, and forming great craters where snipers found the best shelter in future advances. Ordinary defense works were elaborated into many lines of connected trenches beneath the earth, protected by mazy entanglements of barbed wire and strengthened at intervals by bomb-proof “dugouts” and underground chambers of heavy timbers and cement. To plow through these intrenchments, cavalry gave way to monstrous, heavily armored motor-tanks. New guns belched deadly poison gases, slaying whole regiments in horrible strangling torture when the Germans first used this devilish device, and infernal “flame-throwers” wrapped whole ranks in liquid fire. Scouting was done, and gunfire directed, by airplanes equipped with new apparatus for wireless telegraphy and for photography; and daily these aerial scouts, singly or in fleets, met in deadly combat ten thousand feet above the

New  
methods of  
warfare



ground, — combat that ended only when one or both went hurtling down in flames to crashing destruction. Worse than these terrors even, the soldiers dreaded the beastly filthiness of trench war: the never absent smell of rotting human flesh; the torture of vermin; the dreary monotony.

One other phase of the war compelled from the first the attention of the world even outside Europe. This was the policy of "Frightfulness" deliberately adopted by the German High Command. For centuries, international law had been building up rules of "civilized" war, to protect non-combatants and to try to preserve some shreds of humanity even among the fighters. But the military rulers of Germany, in official war manuals, had for years referred to such "moderation" as "flabby sentimentality," — and indeed they had already given to the world one remarkable practical application of their own doctrine. In 1900 a force of German soldiers set out to join forces from other European countries and from the United States in restoring order in China, after the massacre of Europeans there in the Boxer Rebellion. July 27 the Kaiser bade his troops farewell at Bremerhaven in a set address. In the course of that brutal speech he commanded them: "Show no mercy! Take no prisoners! As the *Huns* made a name for themselves which is still mighty in tradition, *so may you* by your deeds *so fix the name of German* in China that no Chinese shall ever again dare to look at a German askance."

At the opening of the World War, this "Hun" policy was put into effect in Western Europe. Belgium and north-eastern France were purposely devastated. Whole villages of innocent non-combatants were wiped out, — men, women, children, — burned in their houses or shot and bayoneted if they crept forth. All this, not by the passionate fury of brutalized soldiers,<sup>1</sup> but by deliberate order of polished

<sup>1</sup> It is a relief to be assured by an excellent authority (Philip Gibbs, the English war correspondent, in his recent, *Now It Can Be Told*) that many at least of the stories of outrage by individual German soldiers, widely accepted as such stories were during the war, are without basis in fact.

soft-living "gentlemen," just to break the morale of the enemy, to make it easy to hold conquered territory with small forces, and to intimidate neighboring small peoples, — Danes and Dutch. So, too, German airplanes bombed hospitals and Red Cross trains, assassinating doctors and nurses along with the wounded soldiers; and soon the submarines began to torpedo hospital ships, clearly marked as such (on *suspicion*, perhaps, that such vessels carried munitions). No wonder that even neutral lands began to know the German no longer as the kindly "Fritz" but only as "Hun" or "Boche."

To the United States, even more than to France or England, the war came as a surprise; and for some time its purposes and its origin were obscured by a skillful German propaganda in our press and on the platform. President Wilson issued the usual proclamation of neutrality, and followed this with unusual and solemn appeals to the American people for a real neutrality of *feeling*. For two years the administration clung to this policy. Any other course was made difficult for the President by the fact that a good many members of Congress were either pro-German, or at least bitterly anti-English, or extreme pacifists. Moreover, the President seems to have hoped nobly that if the United States could keep apart from the struggle, it might, at the close, render mighty service establishing lasting world peace.

True, the best informed men and women saw at once that France and England were waging America's war against a militaristic despotism. Tens of thousands of young Americans, largely college men, made their way to the fighting line, as volunteers in the Canadian regiments, in the French "Foreign Legion," or in the "air service"; and hundreds of thousands more blushed with shame daily that other and weaker peoples should struggle and suffer in our cause while we stood idly by. But to millions the dominant feeling was a deep thankfulness that our sons were safe from slaughter, our homes free from the horror of war. Vast portions of the American people had neither cared

nor known about the facts back of the war: to such, that mighty struggle was merely "a bloody *European* squabble." It was not altogether easy to break with the century-long tradition of a happy aloofness from all Old-World quarrels.

Such indifference or apathy, however, needed a moral force to give it positive strength. And this moral force for neutrality was not wholly lacking. Many ardent workers, and some leaders, in all the great reform movements believed that in *any* war the attention of the nation must be diverted from the pressing need of progress at home. To them the first American gun would sound the knell, for their day, of all the reforms that they had long battled for. Still breathless from their lifelong wrestlings with vested wrongs, they failed to see that German militarism and despotism had suddenly towered into the one supreme peril to American life. And so many noble men, and some honored names, cast their weight for neutrality. And then, cheek by jowl with this misled but honorable idealism, there flaunted itself a coarse pro-German sentiment wholly un-American. Sons and grandsons of men who had fled from Germany to escape despotism were heard now as apologists for the most dangerous despotism and the most barbarous war methods the modern world had ever seen. Organized and obedient to the word of command, this element made many weak politicians truckle to the fear of "the German vote." Unhappily, too, we have always with us those who blindly hate England.

These forces for neutrality were strengthened by one other selfish motive. The country had begun to feel a vast business prosperity. Some forms of business were demoralized for a time; but soon the European belligerents were all clamoring to buy all our spare products at our own prices, — munitions of war, food, clothing, raw materials. To be sure, the English navy soon shut out Germany from direct trade, though she long continued an eager customer, indirectly, through Holland and Denmark; but in any case the Allies called ceaselessly for more than we could produce. Non-employment vanished; wages rose by bounds; new fortunes piled up as by Aladdin's magic. A busy people, growing



richer and busier day by day, ill-informed about the real causes of the war, needed some mighty incentive to turn it from the easy, peaceful road of prosperous industry into the stern, rugged paths of self-denial and war—even though certain huge financial interests may secretly have intrigued for war, to make safer their investments in French and English bonds. A little wisdom, and Germany might readily have held America bound to neutrality in acts at least, if not always in feeling.

*But more and more Germany made neutrality impossible.* From the first the German government actively stirred up bad feeling toward America among its own people because Americans used the usual and legal rights of citizens of a neutral power to sell *munitions of war* to the belligerents. Germany had securely supplied herself in advance, and England's navy now shut her out from the trade in any case. So she tried, first by cajolery and then by threats, to keep Americans from selling to her enemies—which would have left them at her mercy, unprepared as they were. The *legal* right of a neutral to sell munitions she could not question. She demanded of us not that we *comply with* international law, but that we *change* it in such a way as to insure her victory. For the American government to have forbidden trade in munitions during the war, would have been not neutrality, but a direct and deadly act of war against the Allies. Worse still, it would have fastened militarism upon the world directly. For neutrals to renounce trade in munitions (until all such trade is controlled by a world federation) would be at once and forever to hand over the world to the nation with the largest armaments and munition factories. Very properly the American government refused firmly to notice these arrogant demands.

Germany  
makes  
neutrality  
difficult

Sale of  
munitions

One phase of German frightfulness came home especially to America. This was a new and barbarous submarine warfare, with its invasion of neutral rights and murder of neutral lives. U-craft were not very dangerous to war-

ships when such vessels were on their guard. Unarmed merchantmen they could destroy almost at will. But

The sub-  
marine and  
merchant  
ships

if a U-boat summoned a merchantman to surrender, the merchantman might possibly sink the submarine by one shot from a concealed gun, and in any case the U-boat had little room for

prisoners. Submarine warfare upon merchant ships is necessarily barbarous and in conflict with all the principles of international law. If it is to be efficient, the U-boat must sink without warning. In the American Civil War, when the Confederate *Alabama* destroyed hundreds of Northern merchant ships, it scrupulously cared for the safety of the crews and passengers. But from the first the German submarines torpedoed English and French peaceful merchant ships without notice, so that little chance was given even for women and children to get into the lifeboats. Then the second year of

the war saw a sudden expansion of this horrible form of murder. In February of 1915 Germany proclaimed a "submarine blockade" of the British Isles. She drew a broad zone on the high seas and declared that any merchant ship, *even those of neutral nations*, found within those waters, would be sunk without warning. Three months later the world's skepti-

The  
*Lusitania*

cism at that announcement was shattered. May 7, the great English liner *Lusitania* was torpedoed without any attempt to save life. Nearly twelve hundred non-combatants, many of them women and children, were drowned.

One hundred and fourteen of the murdered passengers were American citizens. And now indeed from much of America there went up a fierce cry for war; but large parts of the country, remote from the seaboard, were still indifferent, and shameless apologists were not lacking for even this dastardly massacre. President Wilson, still zealous for peace, used every resource of diplomacy to induce Germany to abandon her horrible submarine methods, — pointing out distinctly, at the same time, in his series of four "Lusitania Notes" that persistence in that policy would force America to fight. The German government answered with quibbles,

cynical falsehoods, and contemptuous neglect. Other merchant vessels were sunk, and finally (March, 1916) the sinking of the *Sussex*, an English passenger ship, again involved the murder of American citizens. President Wilson's note to Germany took a still sterner tone and specifically declared that one more such act would cause him to break off diplomatic relations. Germany now seemed to give way. She promised, grudgingly and with loopholes for future use, to sink no more passenger or merchant ships — unless they should attempt to escape capture — without providing for the safety of passengers and crews (May 4). This episode, running over into the third year, closed the first stage of this controversy. President Wilson seemed to have won a victory for civilization. As he afterward complained, the precautions taken by the Germans to save neutrals or non-combatants proved "distressingly meager," but for some time "a certain degree of restraint was observed."

*The Sussex*

Germany  
promises  
amendment

In this interval, came the American presidential campaign of 1916. Mr. Wilson had been renominated by acclamation. He drew much strength in the West and with the working classes from the fact that he had "kept us out of war"; while at the same time every voter with a German name received circular after circular from "German-American" societies urging opposition to him as a foe to "the Fatherland." The Republican party seemed at first reunited. Mr. Roosevelt, having failed to win the Republican nomination, declined to run again as a Progressive, and urged his old followers to support the regular nominee, Charles Evans Hughes, who had resigned from the Supreme Court to accept the nomination.

The  
American  
presidential  
election of  
1916

Mr. Hughes had an honorable record. He was a high-minded gentleman, and had always shown strong sympathy with progressive movements. He and Mr. Wilson, it was sometimes said, were much the same type of man. But Mr.



Wilson, so far, had dominated the leaders of his party; and Mr. Hughes in this campaign — like the usual candidate — put himself too completely “in the hands of his friends.” Certainly he was far from showing anything of his old stand for reform, or of the splendid leadership he was to manifest in the critical period after the war. Neither his platform nor his speeches took positive stand upon the war<sup>1</sup> or upon any progressive movement at home. Instead he relied upon calls for protective tariffs and upon negative criticism of Mr. Wilson’s policies. The Republican “Old Guard” were once more in full control, and they were so blindly confident as to show their hand freely. Progressive leaders were grossly slighted, and thousands of Progressive Republicans stayed at home in disgust. In July Mr. Hughes could probably have been elected overwhelmingly. In November, by a close squeeze in a small vote, the victory went to Mr. Wilson.

No sooner had the dust of the campaign cleared away than the American people began to find indisputable proofs of new treacheries and new attacks by Germany, *even within American borders*. Official representatives of Germany in the United States, protected by their diplomatic position, had placed their hirelings as spies and plotters throughout the land. They had used German money, with the approval of the German government, to bribe American officials and even to “influence” Congress. They had paid public speakers to foment distrust and hatred toward the Allies. They had hired agitators to stir up strikes and riots in order to paralyze industries. They incited to insurrection in San Domingo, Haiti, and Cuba, so as to disturb American peace. They paid wretches to blow up railway bridges, ships, and munition plants, with the loss of millions of dollars of property and with the murder of hundreds of peaceful American workers. Each week brought fresh proof of such outrage — more and more frequently,

<sup>1</sup> Mr. Roosevelt was unreservedly for war with Germany; but he was allowed only a carefully guarded part in the campaign.

formal proof in the courts — and finally President Wilson dismissed the Austrian ambassador (who had been directly implicated) and various guilty officers connected with the German embassy.

All this turned attention more and more to the hostility to America plainly avowed for years by German leaders. Said the Kaiser himself to the American ambassador (October 22, 1915), at a time when our government was showing extreme gentleness in calling Germany to account for her murder of peaceful American citizens on the high seas, — “*America had better look out. . . . I shall stand no nonsense from America after this war.*” Other representative Germans threatened more specifically that when England had been conquered, Germany, unable to indemnify herself in exhausted Europe for her terrible expenses, would take that indemnity from the rich and unwarlike United States. It came home to us that our fancied security — unprepared for war as we were — was due only to the protecting shield of England’s fleet. If Germany came out victor from the European struggle, we must give up our unmilitaristic life, and turn our country *permanently* into a huge camp, on the European model — and there was doubt whether time would be given to form such a camp. *German militaristic despotism and peace for free peoples could not exist in the same world.*

President Wilson strove still to avoid war. At the same time he had begun to speak solemn warning to our own people that we could not keep out of the struggle unless peace could be secured soon and upon a just basis. December 22, he sent to all the warring governments a note asking them to state their aims. The German government’s reply was plainly evasive. The Allies, with apparent sincerity, demanded only “restoration and reparation,” with an adjustment of disputed territories according to the will of the inhabitants, and “guarantees” for future safety against German aggression. Then January 22, 1917, the President read to Congress a notable address proposing a *League of*

The danger  
to America

President  
Wilson  
asks the  
belligerents  
to state  
their aims

*Nations to enforce Peace*, not a peace of despotic and irresponsible governments, but a peace made by free peoples (among whom the small nations should have their full and equal voice) and "made secure by the organized major force of mankind."

Germany had ready a new fleet of enlarged submarines, and she was about to resume her barbarous warfare upon neutrals. She knew this *might* join the United States to her foes; but she held us impotent in war, and believed she could keep us busied at home. To this last end, through her ambassador at Washington — while he was still enjoying our hospitality — she had secretly been trying, as we learned a little later, to get Mexico and Japan to join in an attack upon us, *promising them aid and huge portions of our western territory*. January 31, the German government gave a two-weeks notice that it was to renew its "unrestricted" submarine policy, explaining to its own people, with moral callousness, why it had for a time *appeared* to yield to American pressure — and offering to America an insulting privilege of sending one ship a week to England, provided it were painted in stripes of certain colors and width, and provided it followed a certain narrow ocean lane marked out by Germany. President Wilson at once dismissed the German ambassador, according to his promise of the preceding March, recalled our ambassador, Gerard, from Berlin, and appeared before Congress to announce, in a solemn address, the complete severance of diplomatic relations — expressing, however, a faint hope that the German government might still refrain from compelling us, by some "overt act," to repel force by force. March 12, after a number more of American citizens had been murdered at sea<sup>1</sup> he placed guards on our merchant vessels. Germany announced that such guards if captured would be treated as pirates. Now the

<sup>1</sup> Besides the eight American vessels sunk before March, 1916, eight had been sunk in the one month from February 3 to March 2, 1917. During the two months, February and March, 105 Norwegian vessels were sunk, with the loss of 328 lives. By April 3, 1917, according to figures compiled by the United States government,



temper of the nation was changing swiftly. Apathy vanished. Direct and open opposition to war there still was from pro-Germans and from extreme pacifists, including the organization of the Socialist party; but the great majority of the nation roused itself to defend the rights of mankind against a dangerous government running amuck, and turned its eyes confidently to the President for a signal. And April 2 President Wilson <sup>America</sup> appeared before the new Congress, met in special <sup>"goes in"</sup> session, to ask it to declare that we were now at war with Germany. April 6, by overwhelming votes, that declaration was adopted.

America went to war not to avenge slights to its "honor," or merely to protect the property of its citizens, or even merely to protect their lives at sea. America went to war not *merely* in self-defense. We did war for this, but more in defense of free government, in defense of civilization, in defense of humanity and in hope of establishing a lasting world peace. Said the President's war message:

"Neutrality is no longer feasible or *desirable*, when the peace of the world is involved, and the freedom of its peoples, and when the menace to that peace and freedom lies in the existence of autocratic governments backed by organized force which is controlled wholly by their will, not the will of their people. . . . *We have no quarrel with the German people.* . . . A steadfast concert for peace can never be maintained except by a partnership of *democratic* nations. No autocratic government could be trusted to keep faith within it. Only free peoples . . . can prefer the interests of mankind to any narrow interests of their own. . . .

"We are glad . . . to fight for the ultimate peace of the world and for the liberation of its peoples, *the German people included.* . . . The world must be made safe for democracy. . . . We have no selfish ends. We desire no conquests, no dominion. We seek no indemnities for ourselves, no material compensations for the sacrifices we shall freely make. . . . The right is more precious

686 neutral vessels had been sunk by Germany *without* counting American ships. When we turn to the still more important question of lives, we count up 226 American citizens slain by the action of German submarines before April, 1917. Before the close of the war, 5000 Norwegian sailors were murdered so.

than peace ; and we shall fight for the things which we have always carried nearest our hearts — for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations.”

Splendid was the awakening of America, following on the President's call. The pacifist Bryan had resigned from the Cabinet in June of 1915, as a protest against the President's firmness in pressing the *Lusitania* matter: but now he promptly declared, “The quickest road to peace is through the war to victory”; and he telegraphed the President an offer of his services in any capacity. Henry Ford, who had led a shipload of peace enthusiasts to Europe the year before, to plead with the warring governments there, now placed his huge automobile factories absolutely at the disposal of the government, and became a valued worker in one of the new War Boards. Charles Edward Russell, ‘choosing to be an American rather than a Socialist if he could not be both,’ served on a great Commission to Russia, and on his return supported and explained the war with voice and pen. Upton Sinclair in his *Weekly* eloquently defended the war and championed the President as the leader of the world's moral sentiment. The great majority of Americans of German birth or descent also rallied promptly to the flag of the land they had chosen. Most important of all, the organized wage-earners spoke with emphasis and unity for America and democracy: in November the American Federation by a vote of 21,579 local unions as against 402, organized the *Alliance for Labor and Democracy* to support the war.

And now the war spread more widely still. Cuba at once followed the example of the United States in declaring war against Germany, and most of the countries of South and Central America either took the same action within a few months or at least broke off diplomatic

The  
response  
to the  
President's  
call

The war  
spreads

relations with the Central European Powers. Portugal had entered the war in 1916, because of her alliance with England. China and Siam now came in. This lining up of the world had moral value, and no small bearing upon the matter of supplies. In particular, the German ships which, since the beginning of the war, had been seeking refuge in the harbors of these new belligerents were now seized for the Allies, and helped to make good the losses due to submarines. None of these powers except America, however, were to have much direct effect upon military operations.

Those operations had continued favorable to Germany through 1916. True, the East front offered two promising surprises on the side of the Allies, but each was followed by swift collapse. (1) Russia at first showed remarkable recovery, and in June won sweeping successes against the Austrians. By July, however, her supplies of ammunition had again given out, and she was saved from complete overthrow, for the moment, only by sacrificing Roumania. (2) For now that Austria the Roumanian province of Transylvania. But the Tsar had induced her to go in too soon by promises of support that was never given. The German traitorous court party at Petrograd, now in control of the weak Tsar, planned a separate peace with Germany, and intended deliberately to buy easy terms by betraying Roumania. Bulgarians and Teutons entered that doomed country from south and west. December 16 the capital fell, and only the rigors of winter enabled the Roumanian army to keep a hold upon a narrow strip of its country. A large Allied army at Saloniki did not stir, because if it left its base, it was in peril of being stabbed in the back by Constantine of Greece; and the Tsar vetoed all proposals of effective measures against that fellow monarch.

And, in spite of America's entry into the war, Germany continued to win through 1917 also. Russia did drop out. The Tsar's ministers had maddened the Petrograd populace



by permitting or preparing breakdown in the distribution of food. March 11, the populace rose. The troops joined the rioters. Absolutely deserted by all classes, Nicholas abdicated on March 15. The Liberal leaders of the Duma proclaimed a provisional government, which in a few weeks (June, 1917) was replaced by a Socialist-democratic government led by Kerensky, an emotional, well-meaning enthusiast, altogether unfit to grapple with the tremendous difficulties before Russia. Finland, the Ukrainian districts, and Siberia were showing signs of breaking away from central Russia. Everywhere the starving and desperate peasants had begun to appropriate the lands of the great estates, sometimes quietly, sometimes with violence and outrage. Transportation was broken down, and the crude industrial system was gone. The army was completely demoralized. The peasant soldiers, so often betrayed by their officers, were eager for peace, that they might go home to get their share of the land. In all large cities, extreme Socialists (Bolshevists) began to win support for a further revolution.

Kerensky battled against these conditions for a while with some show of success. He tried zealously to continue the war, and, in July, he did induce part of the demoralized army to take up the offensive once more. But after slight successes, the military machine collapsed. Whole regiments and brigades mutinied, murdered their despotic officers, broke up, and went to their homes. The remaining army was intoxicated with the new political "liberty," and fraternized with the few German regiments left to watch it. During this chaos, real power, over nearly all Russia, fell to new councils of workmen's delegates (with representatives also from the army and the peasantry). The Bolsheviks saw that these "soviets," rather than the old agencies, had become the real government, and by shrewd political campaigning they captured these bodies. Kerensky fled, and (November 7, 1917) the Bolsheviks, led by Nikolai Lenin and Leon Trotsky, seized the government, announcing their determination to make peace upon

the principle of "no indemnities and no annexations." The Allies felt deeply indignant at the "betrayal" of the cause of freedom; but it is clear now that no Russian government could have continued the struggle. And a separate peace

The Russian people had borne greater sacrifice than any other; they were absolutely without resources; they were unspeakably weary of war; and they failed to understand that German victory would mean the return of Tsarism.

On the West front, both French and English had planned vigorous offensives for the early spring. But the French attack along the Aisne was heavily repulsed, and the army was so demoralized that it could undertake no further important operations during the season. There was considerable lack of confidence in the commanding officers, with consequent demoralization among the common soldiers. This of itself made English success doubtful. Early in the spring the Germans had executed an extended withdrawal in front of the British lines from their trenches of two years' warfare to a new "Hindenburg Line," which, they boasted, had been prepared so as to be absolutely impregnable to any assault. The "Hindenburg Line" This maneuver delayed the British attack for some weeks. Heavy guns had to be brought up to the new positions over territory rendered almost impassable by the Germans in their retreat, and new lines of communication had to be established. These things were accomplished, however, with a rapidity and efficiency wholly surprising to the German High Command; and in the subsequent British attack (April-November) the Germans were saved only by the fact that now they were able to transfer all their best divisions from the Russian front.

The Russian collapse had been caused in part by skillful German propaganda among the Russian soldiers that the war was the Tsar's war, or at least a capitalist war, and that their German brothers were ready to give the new Russia a fair peace. The Italian collapse Now, like tactics were used against the Italians, until their military machine,

too, went to pieces. Then the Austrians suddenly took the offensive. They tore a huge gap in the Italian lines, took 200,000 prisoners and a great part of Italy's heavy artillery, and advanced into Venetia, driving the remnants of the Italian army before them in rout. French and British reinforcements were hurried in; and the Teutons proved unable to force the Piave River. Italy had not been put out of the war as Russia had been; but for the next six months, until well into the next year, the most that she could do, even with the help of Allied forces sadly needed elsewhere, was to hold her new line.

The brightest phase of the year's struggle was at the point where there had seemed the greatest peril. Germany's new submarine warfare had indeed destroyed an enormous shipping tonnage, and for a few months had promised to make good the threat of starving England into surrender. But an admirable English convoy system was organized to protect important merchant fleets; shipbuilding was speeded up to supply the place of tonnage sunk; submarine chasers and patrol boats waged relentless, daring, and successful war against the treacherous and barbarous craft of the enemy. America sent five battle-ships to reinforce the British Grand Fleet and a much more considerable addition to the anti-submarine fleet; and newly created American shipyards had begun to launch new cargo ships in ever increasing numbers, upon a scale never before known to the world. The Allies were kept supplied with food and other necessities enough to avert any supreme calamity, and before September, 1917, the menace — in its darkest form — had passed. It had become plain that submarines were not to be the decisive factor in the war.

And now America was slowly getting into the struggle — slowly, and yet more swiftly than either friend or foe had dreamed possible. The general expectation had been that, totally unprepared as the United States was, her chief contribution would be in money, ships, and supplies. These she gave in generous

The failure  
of the  
submarine

America  
gets into  
the war



measure (chapter xlvi, below). But also, from the first, the government planned military participation on a huge scale. Congress was induced to pass a "selective conscription" act; and as early as June a small contingent of excellent fighters was sent to France — mainly from the old regular army — under the command of General John J. Pershing. In the early fall, new regiments were transported (some 300,000 before Christmas), and perhaps half a million more were in training camps. By 1920, it was then thought by the hopeful, America could place three million men in the field in Europe, or even five million, and so decide the war. Events made a supreme exertion necessary even sooner, and America met the need.

France could stand one year more of war, but she was very nearly "bled white," as Germany had boasted. Her working classes were war-weary and discouraged, and the Germans had infected all classes in that country more or less successfully with their poisonous and baseless propaganda to the effect that England was using France to fight her battles, and that she herself was bearing far less than her proper share of the burden. French morale was in danger of giving way, as Russian and Italian had given way. It was saved



GENERAL JOHN J. PERSHING.

French  
discourage-  
ment

by two things: by the tremendous energy of the aged Clemenceau — “The Tiger” — whom the crisis had called to the premiership; and by the appearance in France, none too soon, of American soldiers in large numbers.

Even in England, peace talk began to be heard, not merely among the workers but here and there in all ranks of society.

Peace talk even in England And among the laborers this dangerous leaning was fearfully augmented when the Russian Bolshevik published the copies of the “Secret Treaties” between England, France, Italy, and the Tsar’s government, revealing the Allied governments as purchasing one another’s aid by promises of territorial and commercial spoils. For the first time the charge against the Allies that on their side too the war was “a capitalist and imperialist war” was given some color of presumption.

Conditions in Germany In Germany, too, the masses had become war-weary. The entire generation of their young men was threatened with extinction, and their children were being pitifully stunted from lack of food. The “Independent Socialists,” as Ludendorff now tells us, had spread among the people a peace propaganda which crippled seriously the efficiency of the army. The Reichstag had even adopted resolutions for peace without annexations or indemnities. But the junkers and great capitalists were still bent upon complete military victory, which they seemed to see within their grasp. The German warlords at once made it plain that they recognized no binding force in the Reichstag resolutions, and once more they brought the nation to their way of thinking. They could now turn all their strength as never before upon France and England, and they were confident they could win the war before American armies could become an important factor. The Allies, they insisted, had not shipping enough to bring the Americans in any numbers; still less to bring the supplies needful for them; and then the Americans “couldn’t fight” anyway without years of training.

Thus in 1918 the war became a race between Germany and America. Could America put decisive numbers in

action on the West front before Germany could deliver a knock-out blow? While winter held the German armies inactive, the British and American navies carried each week thousands of American soldiers to France, English ships carrying much the greater number. And during these same months America and England won a supremely important victory in the moral field. In the summer of 1917 the Pope had proposed peace negotiations on the basis of July, 1914 — before the war began. Woodrow Wilson answered, for America and for the Allies, that there could be no safe peace with the faithless Hohenzollern government. This cleared the air, and made plain at least one of the “guarantees” the Allies must secure. Then Austria, war-weary and under a new Emperor, suggested peace negotiations in a conciliatory note — possibly hoping also to weaken Allied morale. Instead, in two great speeches, Premier Lloyd George and President Wilson stated the war aims of the Allies with a studious moderation which conciliated wavering elements in their own countries, and at the same time with a keen logic that put Germany in the wrong even more clearly than before in the eyes of the world and drove deeper the wedge between the German government and the German people. Lloyd George (January 6, 1918) demanded complete reparation for Belgium, *but disclaimed intention to exact indemnities other than payment for injuries done by Germany in defiance of international law.* President Wilson’s address contained his famous Fourteen Points, which were soon accepted apparently throughout the Allied world as a charter of a coming world peace.

A race  
between  
Germany  
and America

The  
“Fourteen  
Points”

1. “Open covenants of peace, *openly arrived at*; after which, diplomacy shall proceed always . . . in the public view.” 2. Absolute freedom of the seas (outside territorial waters) in peace and in war, except where they may be closed by international action. 3. Removal, so far as possible, of economic barriers. 4. Disarmament by international action. 5. An “absolutely impartial adjustment of all colonial claims . . . the interests of peoples concerned to have equal weight with the equitable claim



of the government whose title is to be determined.” 6. Evacuation of all Russian territory, and . . . “a sincere welcome into the society of free nations under institutions of her own choosing, [with] assistance also of every kind that she may need and may herself desire.” 7. Evacuation and restoration of Belgium. 8. Reparation for devastation in France, and return of Alsace-Lorraine. 9. “Readjustment of the frontiers of Italy . . . *along clearly recognizable lines of nationality.*” 10. Peoples of the Austrian Empire to be accorded an opportunity for autonomous development (a provision that was to be outrun in a few months by the course of the war). 11. Serbia to be given a free and secure access to the sea; and the relations of the Balkan states to be “determined by friendly council *along clearly recognizable lines of allegiance and nationality.*” 12. Subject nationalities of the Turkish empire assured of “autonomous development.” 13. A free Poland (with access to the sea), “to include the territories inhabited by *indisputably Polish populations.*” 14. A “general association of nations” under specific covenants.

The significance of the Fourteen Points lay even more in their spirit than in these detailed provisions. “We have no jealousy of German greatness,” concluded this great utterance, “*and there is nothing in this program that impairs it.* We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms *or with hostile arrangements of trade* if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing.”

And now Germany herself made plain how absolutely right the Allies were in their contention that the Hohenzollerns could be trusted to keep no promises. March 3, 1918, the German militarists, with the grossest of bad faith, shamelessly broke their many pledges to the helpless Bolsheviki and forced upon Russia the “Peace of Brest-Litovsk.” By that dictated treaty, Germany virtually became overlord to a broad belt of vassal states taken from Russia — Finland, the Baltic Provinces, Lithuania, Poland, Ukrainia — and even the remaining “Great Russia” had to agree to German control of her industrial reorganization. When the German perfidy had revealed itself suddenly, after long and deceitful negotiations, the angered and betrayed Bolsheviki wished to

break off, and renew the war. They were absolutely helpless, however, without prompt Allied aid upon a large scale. This aid they asked for, but urgent cablegrams brought no answer. The Allies apparently had been so repelled by the Bolshevik industrial and political policy that they were unwilling to deal with that government, and preferred to leave Russia to its fate — and to the Germans.



THE "MITTEL-EUROPA" EMPIRE at its greatest extent in March, 1918. In Asia, only a few months before, it had reached to the Persian Gulf and the Red Sea (cf. p. 729), but lacked then the parts of old Russia afterward acquired, marked here by perpendicular shadings.

Naturally the Germans opened the campaigns in the West at the earliest moment possible. They had now a vast superiority both in men and in heavy guns there. March 21 they attacked the British lines in Picardy with overwhelming forces. After five days of terrific fighting the British were hurled out of their trench lines and driven back with frightful losses nearly to Amiens, leaving a broad and dangerous gap

The last  
German  
Offensive

between them and the French. But, as so often in their great offensives in this war, the Germans had exhausted themselves in their mass attack; and, while they paused, a French force threw itself into the gap, and British reserves reinforced the shattered front lines.

For the first time since the First Battle of the Marne, the Germans had forced the fighting on the West front into the open. In April they struck again farther north, in Flanders, and again they seemed almost to have overwhelmed the British; but, fighting desperately, "with our backs to the wall" as Haig phrased it in his solemn order to his dying army, and reinforced by some French divisions, the British kept their front unbroken, bent and thinned though it was. After another month of preparation, the Germans struck fiercely in a general attack on the French lines north of the Aisne, and, breaking through for the moment on an eighteen-mile front, once more reached the Marne. Here, however, they were halted, largely by American troops, at Château-Thierry. Then, while the Americans made splendid counter-attacks, as at Belleau Wood (renamed, for them, "Wood of the Marines"), the French lines were reformed, so that the Allies still presented a continuous front, irregular though it was with dangerous salients and wedges. At almost the same time, Austria, forced into action again in Italy by German insistence, was repulsed in a general attack on the Piave.

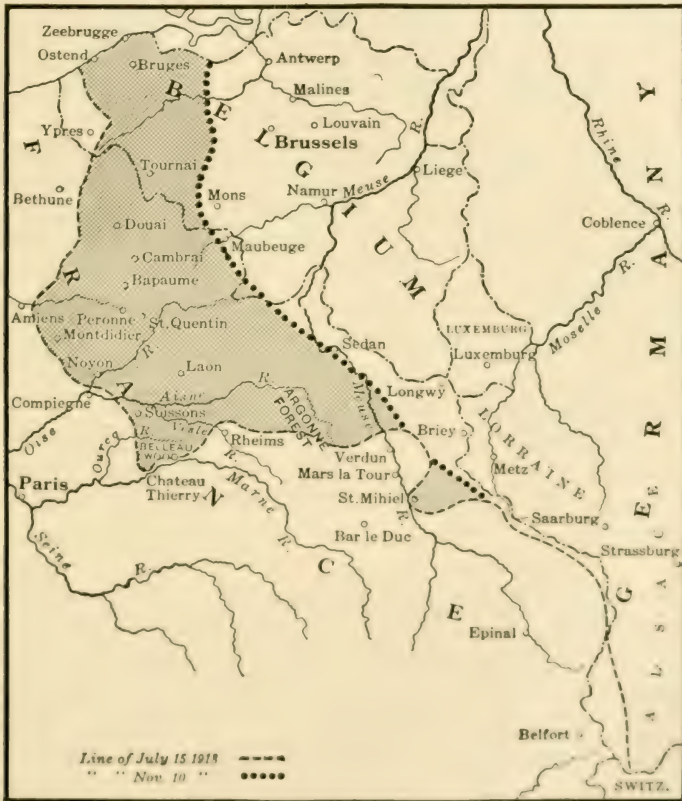
Time was fighting for the Allies. Disasters had at last induced them to appoint a generalissimo. This position was given to Ferdinand Foch, who, though then a subordinate, had been the real hero of the First Marne. For the rest of the struggle, the Allied forces were directed with a unity and skill that had been impossible under divided commands, even with the heartiest desire for coöperation.

And now, too, America really had an army in France. Before the end of June, her effective soldiers there numbered 1,250,000. Each month afterward brought at least 300,000 more. By September the number exceeded two millions,



with a million more already training in America. The Germans could not again take up the offensive for five weeks (June 11–July 15), and in this interval the balance of available man-power turned against them. July 15, they attacked again in great force along the Marne, but this onset broke against a stone-wall

The Americans arrive



GERMAN LINES ON JULY 15 AND NOVEMBER 10, 1918.

resistance of French and American troops. For the first time in the war, a carefully prepared offensive failed to gain ground.

The German failure was plain by the 17th. On the 18th,

before the Germans could withdraw or reorganize, Foch began his great offensive, by counter-attacking upon the exposed western flank of the invaders. This move took the Germans completely by surprise. Their front all but collapsed along a critical line of twenty-eight miles. Foch allowed them no hour of rest. Unlike his opponents, he did not attempt gigantic attacks, to break through at some one point. Instead, he kept up a continuous offensive, threatening every part of the enemy's front, but striking now here, now there, on one exposed flank and then on another, always ready at a moment to take advantage of a new opening, and giving the Germans no chance to withdraw their forces without imperiling key positions. Before the end of August the Allies had won back all the ground lost in the spring. The Germans had made their last throw — and lost. Foch's pressure never relaxed. In September American divisions began an offensive on a third part of the front, culminating in a drive toward Sedan, to cut one of the two main railways that supplied the German front, and at the same time the British were wrenching great sections of the "Hindenburg Line" from the foe. In the opening days of October *the German commanders reported to Berlin that the war was lost.*

This result was determined largely by events in the East. In September, the Allied force, so long held inactive at Saloniki, suddenly took the offensive, crushing the Bulgarians in a great battle on the Vardar. Political changes had made this move possible. In 1917, now that there was no Tsar to interfere, the English and French had deposed and banished King Constantine of Greece; and Venizelos, the new head of the Greek state, was warmly committed to the Allied cause. Foch's pressure made it impossible for the Germans to transfer reinforcements to the Bulgarians from the West. The Saloniki forces advanced swiftly. Tsar Ferdinand abdicated, and (September 30) a provisional Bulgarian government signed

an armistice amounting to unconditional surrender — opening also the way for an attack upon Austria from the south.

Another series of events put Turkey out of the war. The preceding year a small British expedition from India had worked its way up the Tigris to Bagdad; and another from Egypt had taken Jerusalem. Now this last army had finally been reinforced, and in September, in a brilliant campaign it freed Syria from Turkish rule. October 30, Turkey surrendered as abjectly as Bulgaria. The Dardanelles were opened, and Constantinople admitted an Allied garrison.

Austria too had dissolved. After the June repulse on the Piave, the Austrian army was never fit for another offensive. At home the conglomerate state was going to pieces. Bohemia on one side, and Slovenes, <sup>Fall of Austria</sup> Croats, and Bosnians on the other, were organizing independent governments — with encouragement from America and the Allies. Then, October 24, Italy struck on the Piave. The Austrian army broke in rout. Austria called frantically for an armistice, and when one was granted (November 4) the ancient Hapsburg Empire had vanished. The Emperor abdicated. Fugitive archdukes and duchesses crowded Swiss hotels. And each day or two saw a new revolutionary republic set up in some part of the former Hapsburg realms.

Germany had begun to treat for surrender a month earlier, but held out a week longer. October 5, the German Chancellor (now the liberal Prince Max of Baden who had been a severe critic of Germany's war policy) had asked President Wilson to arrange an armistice, offering to accept the Fourteen Points as a basis for peace. The reply made it plain that America and the Allies would not treat with the old despotic government, and that no armistice would be granted at that late moment which did not secure to the Allies fully the fruits of their military advantages in the field. Meantime the fighting went on, with terrific losses on both sides. The French and Americans, pushing north in the Argonne and across the Meuse, were threatening the trunk railway at



Sedan, the only road open for German retreat except the one through Belgium. The British and Belgians pushed the discouraged invaders out of northern France and out of a large part of Belgium. The pursuit at every point was so hot that retreat had to be foot by foot, or in complete rout. As a last desperate throw, the German warlords ordered the Kiel fleet to sea, to engage the English navy; but the common sailors, long on the verge of mutiny, broke into open revolt, while everywhere the Extreme Socialists — all along opposed to the war — were openly preparing revolution.

Late in October the War Council of the Allies made known to Germany the terms upon which she could have an armistice preliminary to the drafting of a peace treaty. **Fall of Germany** Germany could save her army from destruction, and her territory would not suffer hostile conquest. But she was to surrender at once Alsace-Lorraine, and to withdraw her troops everywhere across the Rhine, leaving the Allies in possession of a broad belt of German territory. She was to surrender practically all her fleet, most of her heavy artillery, her aircraft, and her railway engines. Likewise she was at once to release all prisoners, though her own were to remain in the hands of the Allies. In March, Germany had treacherously and arrogantly set her foot upon the neck of prostrate Russia in the Brest-Litovsk treaty: November 11, she made this unconditional surrender to whatever further conditions the Allies might impose in the final settlement — though they did pledge themselves to base their terms, with certain reservations, upon Mr. Wilson's Fourteen Points.

Germany had already collapsed internally. None of the revolutionary risings could be put down; and November 7, Bavaria deposed her king and proclaimed herself a republic. In Berlin the Moderate Socialists seized the government. State after state followed. November 9, the Kaiser fled to Holland, whence he soon sent his formal abdication. German autocracy and militarism had fallen.

## CHAPTER XLV

### THE PEACE AND THE WORLD LEAGUE

JANUARY 18, 1919, in the ancient palace of French kings at Versailles, where the fallen German Empire had been first proclaimed just forty-eight years before, the Peace Congress met to reconstruct the world. The government that had precipitated the great war had been crushed: it remained to see whether the world had been chastened by its suffering so that it would strive in earnest to remove fundamental causes of war. There was a chance such as had never been before — and there was supreme need.

Eight out of every nine men on the globe had belonged to the warring governments. Fifty-nine millions had been under arms — nearly all the physically fit of the world's leading peoples. These had suffered thirty-<sup>Cost of the war</sup>three million casualties, of which some fourteen millions<sup>1</sup> were death or worse, besides the incalculable number of enfeebled and vitiated constitutions. Hardly less numerous (though less accurately counted) were the victims of famine and pestilence among civilian populations. Nor does the loss to one generation begin to tell the story. In all the warring countries the birth rate has declined alarmingly, and the human quality has deteriorated. A vast part of the world's choicest youth were cut down before marriage, while the civilian deaths and enfeeblement were very largely among child-bearing mothers and young children. As to material wealth, a huge portion of all that the world had been slowly storing up for generations was gone, and over wide areas all machinery for producing wealth was in ruins,

<sup>1</sup> Nearly eight million deaths, and more than six million cases of irremediable mutilation and physical ruin.

while future generations were mortgaged to pay the war debt. The moral losses were beyond words — sickening to the imagination, and war enthusiasm was replaced by profound discouragement or cynicism.

Politically alone the situation was grave indeed. All Central Europe, broken in fragments, was tossing on wave after wave of revolution.

1. In Germany, extreme Socialists of the Bolshevik type had seized control in many districts — as in Berlin and  
 Germany Munich — until finally overthrown, in the bloodiest of street fighting, by momentary union of all other classes from Junker to Moderate Socialist. In the first quiet interval, it is true, a National Assembly had been elected; and, while waiting for the Allies to dictate terms of peace, that body drew up a constitution, which, quickly ratified by a universal franchise vote, turned the old Empire into a democratic federal republic — imperiled, to be sure, by incessant plots from both reactionaries and radical extremists.

2. In the former Austrian Empire a like chaos was intensified by the dissolution of even the old territorial  
 The old Austrian Empire dis- arrangements. *The German district*, just about  
 solved. Vienna, had become a republic; but its natural and proper desire to join itself to Germany was forbidden by the Allies because they were unwilling that Germany should be so strengthened. Accordingly the seven million people crowded into this little region — “a capital without a country” and a people without ports or mines or any other industrial resources — dragged out the next years in famine relieved only by meager charity.

*Hungary*, stripped of all its non-Magyar districts, had also become a little inland republic, and its nine million disarmed and starving people were ravaged for months by revengeful Roumanian invaders. Farther north, an enlarged and free Bohemia (the *Czecho-Slovak Republic*) was practically at war for months, not merely with Germany



and Austria but also with the new Poland, over conflicting claims of territory.

3. The aristocratic Polish Republic had other contests with Russian Bolsheviks on the east and with Germany on the west, besides being torn by proletarian risings and Jewish pogroms. And Poland was only one of six new states, all in like anarchy, that had split off from the old Russia on the western frontier alone, — Finland, Esthonia, Latvia, Lithuania, Ukraina.

4. To the south of the old Austrian realms, there had appeared a Jugo-Slav state, by the long-sought union of Serbians with former Austrian Bosnians, Cro- atians, and Slovenes; and this "Greater Serbia" was in battle array against Italy, in daily peril of war, over the Adriatic coast. Italy likewise was at daggers drawn with Greece over Albania, the islands of the Aegean, and the shores of Asia Minor. And of all these countries, new or old, no one felt any trust in the honor of any other. Each believed that every one would hold what it could lay hand on — and so sought to lay its own hands on as much as possible before the settlement.

The Peace Congress was made up of delegations from the twenty-three Allied governments, with five more from England's colonies, — Canada, Australia, South Africa, India, and New Zealand. Each dele- gation had one vote. Countries that had been neutral were invited to send representatives to be called in whenever matters arose that specially concerned them. The four "enemy countries" and Russia were allowed no part. A striking feature of the gathering was the great number of expert assistants present. The United States delegation alone was aided by more than a hundred eminent American authorities on the history or geography or economic resources of European lands.

President Wilson himself headed the American delegation, in spite of vehement opposition (partly honest,

partly partisan) to his leaving his own country. In like manner, Lloyd George and Orlando, the English and Italian premiers, represented their lands; and Clemenceau, head of the French delegation, was naturally chosen president of the Assembly. These men made up the "Big Four." Part of the time this inner circle became the "Big Five" by the inclusion of the Japanese representative.

From the first there were critical differences within the Big Four. Mr. Wilson had promised the world, Germany included, "a permanent peace based on unselfish, unbiased justice," and "a new international order based upon broad universal principles of right." To such ends he insisted, (1) that the first step must be the organization of a League of Nations, a world federation; and (2) that all negotiations should be public — "open covenants, openly arrived at."

At times, Lloyd George, too, had seemed in sympathy with "a peace of reconciliation"; but he was seriously hampered by the fact that in the campaign for parliamentary elections, in December, he had won by appeals to the worst war passions of the English people, throwing aside recklessly his pledges of a year before (page 723). The other leaders never had any real faith in the Wilson program. In Clemenceau's words, they thought President Wilson a benevolent dreamer of Utopias, and preferred to rest all rearrangements upon the old European methods of rival alliances to maintain a balance of power — a plan which had been tried through bloody centuries.

Moreover the French statesmen looked both vengefully and with alarm upon Germany, which, though prostrate for the moment, still bordered upon them with a population and resources greater than their own. With war passions still hot, and war memories fresh, they wished above all things to deal with Germany by summary methods, to make her helpless by dismembering her and by plundering her through indemnities, and to

Woodrow  
Wilson at  
Paris

Lloyd  
George and  
Clemenceau

Govern-  
ments and  
peoples in  
Europe

give to the new Poland and Bohemia enough German territory so that those countries might always fear attack by Germany, and therefore be hostile to her. With such states on the east, dependent upon France for safety, Germany would be held in a vise — especially if the proposed League of Nations could be made a cover for a guarantee of the arrangements by America and England.<sup>1</sup>

But such a program meant the perpetuation of the old European system of alliances, armed camps, and sooner, or later, of war. And by the war-weary *peoples*, the Wilson program of a just peace and a world league was at first hailed with joy. Mr. Wilson had arrived in Europe several weeks before the opening of the Congress, for conferences with European statesmen; and everywhere in his journey — in England, France, Italy — he was welcomed by the working classes with remarkable demonstrations of respect and affection, as “the president of all of us,” and as the apostle of world peace and of human brotherhood. For a time it seemed possible that he might, at a crisis, override the hostile attitude of the governments by appealing to the people themselves; and indeed in a great speech at Milan — just after some slurring attacks upon him by French statesmen — he hinted pointedly at such a program. Unhappily, as months passed in wearisome negotiations, this fervor wasted away, and in each nation bitter popular animosities began to show toward neighboring and allied peoples. Moreover Mr. Wilson’s power in Europe had been weakened by events at home. Late in the campaign for the new Congressional elections in the preceding November, he had made an appeal to the country for indorsement of his policies by a Democratic victory. The elections gave both Houses instead to the Republicans; and the jubilant victors, charging vengefully that the President had set an example of political partisanship, entered upon a bitter course of criticism and

Mr. Wilson  
weakened  
by events at  
home

<sup>1</sup> There is an admirable explanation of French feeling, an explanation tempered with charitable regret, in “The Malady of Europe” by Philip Gibbs, the great English war correspondent, in *Harpers’ Magazine*, February, 1921.



obstruction — of which Mr. Wilson's European opponents made the most.

The first defeat at Paris was in the matter of secret negotiation. To save time, it was necessary no doubt for the Peace Congress to do most of its work in small committees. But it would have been possible to lessen bargaining and intrigue by having such meetings open to representatives of the press, or by publishing stenographic reports. Mr. Wilson, however, allowed the Old World diplomats — with their tradition of back-stair intrigue — to persuade him into consenting to only one public and general meeting each week. The result was that, from the first, the real work was done by the inner circle of four or five in secret conclave (with the addition of several advisory *secret* committees on special matters). Indeed, instead of even the promised open meeting once a week there were during the entire five months to the signing of the peace with Germany (January 18–June 28) only six open meetings — and these merely to ratify conclusions arrived at by the Big Four.

The next point Mr. Wilson won. It was agreed that the first business of the Congress should be to provide a League of Nations. Many voices, especially in France and in the United States Senate, had been raised in protest, urging that a league should come only *after* a treaty of peace. Some of these objectors were honest: some used the objection as a means to defeat any real league. But Mr. Wilson argued that the league would expedite, not hinder, the peace treaty, since it was a necessary prelude to any right sort of peace. With such a guarantee of peace, such a league to secure disarmament and to punish any bully or robber state, it was hoped that France and Italy might trust to a just and merciful peace, instead of insisting upon vengeance and booty.

But while a committee of fourteen nations, headed by Mr. Wilson, was preparing the constitution of the league, dark rumors crept out regarding the plans of European statesmen for spoils. France talked of the necessity that

she acquire all German territory west of the Rhine, her "natural frontier," so that *in future wars* that great river might serve as a protective ditch. Marshal Foch supported this plea for military reasons; and it developed that a secret agreement between France and Russia at the beginning of the war had provided for such an arrangement. But this would have transferred several millions of unwilling Germans to French rule; and Mr. Wilson, as recognized spokesman for the Allies at the Armistice and in earlier negotiations with Germany, had repeatedly renounced the principle of forcible annexation either to punish a foe or to secure "strategic frontiers" — or for any purpose except to satisfy the just claims of oppressed nationalities. To grant this French claim would have been the grossest of bad faith, as well as one more continuation of the discredited policy of the old Congress of Vienna a century before.

Italy, too, demanded, *and received*, not only the Italian populations of the Trentino, formerly held by Austria, but also a needless "strategic frontier" against now helpless Austria, involving the annexation of a purely German district in the Brenner Pass of the Alps with a quarter of a million inhabitants. Italy also advanced claims on the Adriatic at the expense of the new South Slav state, and it became plain that the imperfectly known "secret treaties," under which Italy and Japan had entered the war, had provided for a far-reaching division of spoils. Enough news leaked out from the private conclaves to make it certain that President Wilson denounced these projects and declared he would have no part in a "Congress for booty." At one time, indeed, when the Italian delegates insisted strenuously upon Croatian Fiume (the natural door of the South Slavs to the Adriatic), he cabled to America for his ship — and this particular act of plunder was avoided, even though Orlando did for a while leave the Congress in protest. But Mr. Wilson could not resort often to so extreme a method. Victory over Fiume was followed by defeat over Shantung (page 741), while the French demand

for the Rhine became a trading pretext for granting her the Saar Valley. At our entrance into the war, America had stipulated for no material gain for herself. This was well. But even then it was known that the Allies had made various secret agreements for the division of booty. It did not occur to any one at the time, but future difficulties would have been avoided if upon entering the war America had demanded the cancellation of all secret treaties as the price of her aid.

In March, while other negotiations were progressing, the committee on the League of Nations made its report.

The Cove-  
nant of the  
League Loud opposition was voiced at once in the United States Senate where Republican leaders strove openly to make acceptance or rejection a party question; and after a few weeks the Peace Congress revised the document slightly. The revised Covenant is clear and brief. The union is very loose, and its managing bodies are not really a government. "Charter membership" was offered to forty-five nations (including all organized governments except Russia, the four "enemy countries," and Costa Rica, San Domingo, and Mexico). Amendments and admission of new members require the unanimous consent of the five big states with a majority of all states; and for any other action of consequence, the unanimous consent of all nations in the League is demanded, except that no party to a dispute has a voice in its settlement. Among the most valuable provisions of the Covenant are the prohibition of all secret treaties in future, and the clauses providing for disarmament (though only by unanimous agreement), for regulation of the manufacture of munitions of war, for compulsory arbitration, and for delay in recourse to war even if an arbitration is unsatisfactory. A reservation of the Monroe Doctrine, inserted in the second draft as a sop to American opposition, suggests, by its unfortunate phrasing, a continuation of the pernicious doctrine of "spheres of influence" — pleasing to Japanese as well as to American Jingoës — and satisfies neither advocates nor opponents of the League. Much debated, too, is Article X, which



guarantees to each state its territorial integrity against external attack. In the present form, it is feared by some, the Article may be an insurmountable barrier to needed readjustments; while other critics object that America, if a member of the League, might have to send an army to defend European states in ill-gotten gains.

The value of such a league must depend upon the spirit in which it is worked; and, at the best, any one large state *might* block all wholesome action. Meanwhile, to secure a league at all, Mr. Wilson compromised many of his principles in the making of the peace treaties, until, some of his opponents feel, those treaties themselves may make a beneficent working of the League very difficult. June 28, the treaty of peace with Germany was signed by the helpless German delegates, who had been summoned to Paris for the purpose. The treaty makes a good-sized book. A typical provision relates to the Saar Valley, a small strip of German territory just east of Alsace. Germany cedes the rich coal mines of this region to France, in rightful reparation of her wanton destruction of French coal mines. France insisted long upon political sovereignty over the territory and people, along with this property. This claim was not directly granted; but a "compromise" places the valley for fifteen years under an International Commission. At the end of that time the inhabitants are to vote whether they will return to Germany or join France. If they decide for their own country, Germany must at once buy up France's claim to the coal mines. This may be impossible for her to do; but if she fails to do it, *the territory passes permanently to France.*

This "veiled annexation" of half a million Germans to a foreign power, against their will, is in sharp defiance of the principle of "self-determination,"—and it was wholly unnecessary. France ought to have the coal; but title to that could have been guaranteed safely without this transfer of political allegiance. And the Saar Valley ar-

rangement is merely one of several like or worse arrangements. The new Poland got not merely the Polish territory Silesia and long held by Prussia, to which she is entitled, Dantzic but also large strips of German territory, like Upper Silesia (with its two million people), which she wants because of its mines. Moreover, in order to give Poland easy access to the sea, by the route of the Vistula, German Dantzic was made a "free" city, against its will, with added roundabout arrangements that leave it largely subject to Poland. Still further, Germany very properly not only returns Alsace-Lorraine to France and (with a favorable vote of the inhabitants) Danish Sleswig<sup>1</sup> to Denmark, but also cedes to Belgium three small pieces of territory populated mainly by people of Belgian blood, and to Czechoslovakia valuable mining districts of Silesia. Subject to plebiscite, she was also to cede to Poland considerable territory east of the Vistula, but here the vote went for Germany. (The fate of much of Silesia was to be decided by a plebiscite in 1921.) In all, about a fifth of old Germany is gone. Even this is not enough to satisfy the French government; and various attempts have been fomented by French agents to induce the Rhine provinces of Germany to secede and form a separate state — after which it would perhaps be possible to establish French control over them.

Outside Europe, Germany has lost her vast colonial empire. But, instead of being placed under the guardianship of the League of Nations until they can walk alone, the former German colonies are turned over as plunder to the Allies. Those in the Pacific have gone part to England, part to Japan, according to the terms of a secret treaty of 1914 between those countries. True, England and Japan are "mandatories" of the League of Nations; but that vague arrangement is little more than a screen for the division of spoils — and Japan surely has

<sup>1</sup> Sleswig was divided, for the plebiscite, into three zones. Denmark declined the southern one as not Danish in blood; the northern voted overwhelmingly for annexation; the middle one voted as decisively to remain German (1920).

shown herself (in Korea) as unfit to rule subject peoples as ever Germany was. German Africa, too, has been divided between France, Belgium, and England, with hardly a pretext of even the mandatory screen.

In like manner, in the somewhat later Turkish treaties, the settlement was a frank surrender to arrogant imperialism, British and French, — France taking the long coveted parts of Syria, in spite of Syrian protest, and England taking Mesopotamia with its oil wealth. In this connection Americans are especially chagrined that Japan succeeds also to all Germany's "rights" in Shantung, with its forty million people, against the futile protest of China. True, Japan has promised that her political occupation shall be "temporary"; but that word has been used too often as a prelude to permanent grabs of territory. To allow the one remaining despotic and military power in the world so to seize the door to China was not merely to betray a faithful ally, but also to renounce a plain and wise American policy in the Orient.

More objectionable still are the economic provisions of the treaties. Germany was to pay *fixed* reparations amounting to 30 billions of dollars during the years 1920-1934 (at least twice as much as most expert judges believe she will be able to pay) and also other *indefinite* amounts, to be fixed in future by a commission of her conquerors. Other vicious economic provisions, too complicated for statement here, hamper Germany's industries so that she cannot begin earning anything to pay with. Critics wonder whether France ignorantly overreached herself — asking so much that she will get far less than she might have had — or whether she shrewdly demanded the impossible in order to make failure in this an excuse for seizing permanently upon more German territory. (February 1, 1921, the Allied Council restated the indemnity — in more definite but hardly more reasonable terms — at 56 billion dollars, to be paid in 42 annual payments, with an additional 12 per cent tax on all exports to strangle German trade.)



The American delegation opposed practically all these objectionable provisions, — and did prevent the insertion of others as bad. But, on the whole, Mr. Wilson Criticism of the treaty proved unable to cope with the combined Old World diplomats. The Fourteen Points had been pledged as a basis for peace; but it is difficult to trace in the treaty their general spirit or many of their specific provisions. Some of the experts attached to the American Commission resigned their positions in protest; and General Smuts, the hero of South Africa, declared in a formal statement that he signed the treaty for his country only because of the absolute necessity of immediate peace for Europe, and because he hoped that the worst provisions might be modified later by the League of Nations. Many progressive thinkers, the world over, believe the treaty dishonorable to the Allies because it contradicts solemn pledges, and bad for the world at large because (with the other treaties that followed) it leaves a hundred million people in Central Europe industrially enslaved and with no real hope except in some future war of revenge, and so breaks faith not alone with the beaten foe but also with the hundreds of thousands of splendid youth who gave their lives in torment to win a war that should end war. With biting sarcasm, one cartoon represents Clemenceau rising from the Peace table with the words, — “Well, first we made a war to end war, and now we have made a peace to end peace.”

Whether or not we judge so sternly, whether we blame individual statesmen or merely the common weakness of human nature, it is indisputable that the Peace Congress failed to rise to the high level of its obligation — measured by its opportunity. Such opportunity, unplanned, will not come again; it will have to be manufactured. With the United States (page 756), Germany, Russia, and several small states still outside, the League of Nations held its first meeting, December–January, 1920–1921. That gathering, naturally enough, proved little more than a barren conference of ambassadors from members of a powerful European alliance. Such generous tendencies as showed themselves

came from small states, unable in that gathering to give them weight; and a mild suggestion that "mandatories" should be administered for the common good met with prompt defiance by the large powers. Meantime in every great state, including America, chemists, engineers, military men, in laboratories and in councils, are seeking more poisonous gases, inventing bigger airships and larger guns and deadlier explosives, planning huger navies, while other scientists are prophesying even viler but highly probable things — as that the next war will be a contest in scattering hideous disease germs from aërial navies over whole continents to destroy entire populations. And just as in 1914, only somewhat differently shuffled, the materials are heaped for a world war. Unless soon a true world federation is achieved, to secure disarmament and to adjust economic conflicts righteously, some hand will apply the torch.

And yet a great gain lives. If the world at last find salvation instead of destruction, it will be largely due to one man's work. What had been a nebulous vision of fantastic dreamers, that man made *the* question of practical politics. Those critics of Woodrow Wilson who most sincerely mourn his "failure," know that men would not feel that he has failed if he had not made the goal so clear. The shining mark to which he turned the world's hope is not achieved — but it is not forgotten.

Before we turn back to American domestic problems, one more European matter claims attention. For two years after Germany's fall, the Allies continued a mis-  
taken policy toward Russia. In all Allied lands  
there was intense feeling against the Bolshevik  
government. This was due partly to popular ignorance  
(caused largely by a rigid censorship of Russian news by the  
Allied governments, and intensified by a frantic propaganda  
of falsehood directed by agents of the dispossessed aristocrats), partly to a delusion that the Bolsheviks were tools  
of Germany, and partly to real evils in the Bolshevik  
scheme.

The Allies  
and the  
Bolsheviks

After the fall of the Tsar, society in Russia collapsed. Criminals, singly or in bands, worked their will, unchecked by any government, in robbery, outrage, and murder, not only in country districts but even in the public streets of great cities. And the usual criminal class was reinforced by numbers of men made desperate by hunger. For the cities were starving; and speculators were increasing the agony by hoarding supplies to sell secretly to the rich at huge profits. Absurdly enough, our papers, especially in their cartoons, ascribed all this to the Bolsheviks — *who in reality put it down*. Kerensky had proved utterly unable to grapple with the situation; but when the Bolsheviks came to power, they shot the bandits in batches, and meted out like swift punishment to “forestallers” of food. In such summary proceedings, many innocent persons must have suffered along with the guilty; but at least Russia was saved from reverting to savagery. In a few weeks, order and quiet were restored; the available food was “rationed” rigidly (somewhat as in England during the war) with particular care for children of all classes; and private crime became less than Russia had ever known. All this parallels the story of the French Revolution just after the fall of the Bastille, except that in Russia the task was infinitely harder and was performed, not by an organized middle class, but by the untrained Bolsheviks.

At first the new government *seems* to have treated the old capitalist class with some consideration so far as concerns their personal safety. But a little later, when the world was attacking Russia in open war, and when the dispossessed Russian classes were carrying on a campaign of secret assassination of Bolshevik leaders (and had even struck down Lenin with a dangerous wound), the Bolsheviks adopted a deliberate policy of “Terror,” arresting and executing some thousands of “aristocrats,” until internal opposition was crushed. Again this parallels the story of the French Revolution, except that the Russian “Terror,” bloody as it was, was shorter and less atrocious

The Bolshe-  
vists restore  
order

The Red  
Terror



than the French. Certainly the misery caused by it, even at its worst, was less than the misery caused in Russia decade after decade by the old tyranny of the Tsars — on which the world had looked with complacency.

But for the first time in history the Bolsheviks *put into actual operation* a system of extreme socialism on a large scale. Not unnaturally, this alarmed and angered the propertied classes everywhere; and an excuse for the world to interfere was found in the fact that the thing had been done, not by the Russian *people*, but by a "dictatorship of the proletariat." Control in Russia had been seized by the small but organized class of town workers. The far more numerous but unorganized and ignorant peasantry, fairly content with the land they had been allowed to appropriate, acquiesced passively; and the small class of capitalists and "intellectuals" was tyrannically suppressed and silenced.

The Bolsheviks claimed to rest their rule on a new principle of citizenship. Able-bodied men and women who do no useful work with hand or brain they exclude from the political franchise as social parasites. In their list of useful workers they include teachers, actors, artists, physicians, engineers, and industrial managers, along with all hand workers; but they exclude lawyers, bankers, and all who live upon invested capital. All recognized "workers" are organized in industrial unions, and representation in the government is based on these unions. Each such union sends its representatives to the soviet (council) of its local district. This local soviet sends its delegates to the soviet of the next larger district; and so on. All delegates are subject to recall at any time by the body that elected them. In arranging the apportionment, the rural districts are given a much smaller vote in proportion to population than the city districts.

By this device, along with their control over the press and all other agencies of propaganda, the Bolsheviks so far maintain themselves in power. One of the heaviest indictments against Lenin and Trotsky is that they have suppressed all public expression of anti-socialist agitation in a way wholly incompatible with free government.

The non-socialist forces might have recovered and combined so as to overthrow or modify Bolshevism, had not the Allies by a colossal and cruel blunder identified that rule with Russian patriotism. Instead of leaving the Bolshevik theory to demonstrate its failure in practice, the Allied governments chose to combat it by war. Like the "emigrant" nobles who fled from France at the opening of her Revolution, so in 1917 the fugitive Russian courtiers and nobles levied war against the new government of their country — *with foreign aid*. *Kolchak* for a time held much of Siberia — to be succeeded there, when he had been crushed by the Bolsheviks, by Japanese invaders; *Denikin*, and afterward *Wrangel*, began invasion from the Ukraine. These and other such leaders claimed flimsily to wish "constitutional" government for Russia; but more and more clearly their deeds proved a plot to restore despotism, and their atrocious "White Terrors" at least equaled the excesses charged against the Bolsheviks. Meantime Roumania, Poland, and the new Baltic countries made the cordon about Russia complete except for Archangel on the north — and that one opening to the world was long held by an army of 12,000 Allies *and Americans*.

These troops had been sent to Archangel during the last of the war against Germany to protect military stores there from German seizure; but soon these soldiers who had enlisted to fight the Kaiser were used, at the behest of French and English rulers, as an invading army against the new government of Russia — a service extremely hateful to great numbers of them. The world was told that the Russian people, freed and encouraged by the presence of such troops, would rally to overthrow Bolshevik tyranny. But the Russian people rallied instead to the Bolsheviks, and the few who at first fought along with the Allies deserted rapidly to their countrymen. A curious feature of the business is that democratic America found itself at war with Russia for nearly two years without action by Congress.

The "blockade" of Russia has virtually continued to 1921. The small Baltic states, from which she soon won peace, had no resources for trade; and though England and America had technically lifted the blockade some months earlier, both continued to refuse passports and even mail and wire communication with Russia. This of course absolutely prevented trade. Meantime the lack of food and of medical supplies — which the Bolshevik government was eager to pay for in gold — has slain more people (mainly mothers, young babies, and hospital cases) than a great war. The blockade, too, has kept Russia from getting cotton or rubber for her factories, or locomotives for her railroads, or machinery for her agriculture; *and so it has given the Bolshevists a plausible excuse for the slowness of their industrial revival.* (The same blockade, like the destruction of the German market, has been a factor in closing down American industries and in throwing American workmen out of jobs.)



## CHAPTER XLVI

### THE NEW AGE

THE United States entered the war late, and our borders were remote from the struggle. We made relatively small sacrifice. Still eighty thousand American boys America's war loss lie in French soil, and as many more were irreparably maimed. As to money, aside from huge sums raised by war taxes, our debt is twenty-five billions, without counting the ten billions that our government borrowed from our people to lend to England, France, and Italy. On these loans the Allied countries will perhaps pay the interest (though up to the close of 1920 no payment has been made) and sometime possibly they will repay the principal; but on only the remaining twenty-five billions the interest will each year exceed the total yearly expenditure of the government before the war. This debt is ten times that with which we came out of the Civil War, and it equals all the receipts of the Treasury from George Washington to Woodrow Wilson. Without paying a cent of the principal we shall have to tax ourselves for our national government at least twice as much as ever before.

But we must also pay the principal. If we do so in one generation (as probably we shall), that will mean one billion more of taxes a year. As the principal is paid, the interest will lessen; but, taking into account the increased cost of living for the government, it is safe to say that for the next twenty-five years we must raise at least three billion dollars a year, or three fourths as much as in the war years themselves.<sup>1</sup>

<sup>1</sup> In Europe the burden is terrifying. The huge totals of indebtedness in France and Germany have little meaning to us. England has suffered less than the continent, but England's debt is enormous. *Merely to keep up the interest*, along with

(For 1920 the expenditure has been nearly twice that immense sum.)

Still there is another side. No war was ever so hideously destructive, but neither did any other ever give birth to so many healing and constructive forces. It is worth while to survey these with view to their utilization in peace. To our surprise and to that of the world, America proved that a great democracy, utterly unready for war, could organize for war efficiently and swiftly. The task was not merely to select and train three million soldiers, but to mobilize one hundred million people for team work so as to utilize every resource, with harmony and intelligence, in producing and transporting supplies and supplying funds. The government provided inspiration and guidance through eminent experts in all lines — historians, chemists, engineers, heads of great business enterprises — organized in a variety of war boards.

The Committee on Public Information created by President Wilson was a new thing in history. If a democracy was to turn from all its ordinary ways of living in order to fight zealously, it must be posted thoroughly on the danger that threatened it and on the needs of the country. Within a few months, at small expense, this Committee published and circulated in every village in America more than a hundred different pamphlets, brief, readable, forceful, written by leading American scholars and distributed literally by the million. Along with posters and placards, designed by America's foremost illustrators and distributed also by this Committee, these publications did a marvelous work in spreading information and arousing will power — demonstrating that in war itself the pen *is* mightier than the sword. The same Committee originated also the admirable organization of Four-Minute Men (some 5000 volunteer speakers to explain the causes and needs of the war in their respective communities to audiences gathered at the movies and

her old annual expenditure, she must raise five billions of dollars a year, which means per family a burden five times that of the average American family.

other entertainments); and it made the plan effective by sending to all the local centers at frequent intervals information and suggestions for speeches.

This was one of many boards of which only a few may be mentioned here. A Shipping Board was soon building ships on a scale and with rapidity beyond all precedent — not without some blunders and much extravagance,<sup>1</sup> but fast enough to beat the submarine. The War Labor Board maintained the necessary harmony between capital and labor in war industries, and also did much to advance permanently the condition of the workers by encouraging “shop committees” to share in the management of industry. (Ex-President Taft served as one of the joint chairmen of this body, and his judicial temper and legal skill made his services invaluable. He won, too, lasting gratitude from labor by his sympathetic understanding of its needs.) The Food Commission, headed by Herbert Hoover, induced the American people cheerfully to limit consumption and to “save the waste.” In 1917 a poor crop had given us, by the usual computation, only 20 million bushels of wheat for export; but by doing without and by using substitutes, we did export 141 million bushels — or about as much for each man, woman, and child, in England, France, and Italy, as we kept for each one at home. In like manner, a National Economy Board induced manufacturers of clothing to put forth fewer and simpler styles, saving at least a fifth of the usual materials. The mines would have proved wholly unable to meet the war demand for coal except for the regulation of its use through a Fuel Administrator. People learned to heat offices and homes only to 65° instead of to 72°; and in 1918 for many weeks, at government request, churches were closed, and stores and other industries shut down on certain days of the week. A little later, to save the petrol needed for auto-trucks and airplanes in France, “gasless” Sunday took its

Saving for  
the public  
good

<sup>1</sup> Disclosures, incomplete at this writing, indicate that this Board, through incompetent or corrupt subordinates, has been sadly victimized by profiteers in the purchase of supplies.



place alongside the earlier "wheatless," "meatless," and "heatless" days of each week.

Along with saving went work to increase production. Farmers extended their acreage for needed crops, securing the necessary advances for seed and machinery from local or State agencies; and the lack of farm labor was supplied in part by volunteer schoolboys and, especially on fruit farms, by college girls. A huge food supply, too, was produced in cities on "war gardens," from grounds formerly devoted to beauty or pleasure. Other volunteer activities supplemented the work of the National Boards—the unpaid Examining Boards of busy physicians to secure physical fitness for the recruits; the volunteer village school-teachers working nights and Sundays to classify results from the draft questionnaires; the Red Cross organizations reaching down to every rural schoolhouse.

In all the activities, women had a leading part; and indeed behind each man who took up a rifle stood a woman to take up the task he had laid down. In England, as her men were drained off, five million women did men's work; and even in America women ran motor buses, street cars, and elevators, and were largely employed in munition factories.

The United States formed no alliance with England or France or Italy, but it recognized that they and we were "associated" as co-workers and that we must give <sup>Taxes and</sup> them all possible aid. The part of the American <sup>loans</sup> soldier has been treated. Money, too, we loaned freely—most of it, to be sure, used at once by the Allies in buying supplies in America. The direct taxes raised during the war (some four billions a year) came at least half from a *graduated* income tax bearing heavily on large incomes, inheritance taxes of like character, "excess profits" taxes, and "luxury" taxes. The remaining money for all this war expenditure, our government borrowed from our own people, mainly in a series of "Liberty bond" issues. The bonds were sold in small denominations, down to fifty dollars, and were taken very largely by people of small means—

at a time, too, when much more profitable investments were open.

This glorious record was not written so hurriedly without some grievous blots. In the heat of war passion, gross injustices were committed now and then by honest patriots, and some foolish offenders were punished too severely. Mob violence was permitted, even encouraged, by some local authorities. The methods by which poor men in many places were coerced into taking more bonds than they could afford did not well suit the name Liberty for those bonds. Here and there designing politicians or selfish business interests sought to discredit radical reform movements by accusing the leaders falsely of "pro-Germanism" — a desecration of patriotism to cover sinister ambitions that was more hurtful to our war efficiency than all the pro-German plots in America.

Basest of all, and most dangerous to American success, were the financial scandals. To prevent the European demand for our products from raising prices ruinously, and to check speculation in foodstuffs, the Food Commission took some important steps in fixing prices and regulating profits. But the process did not go far enough. The price of wheat and of wheat flour was fixed; but speculators traded upon the patriotic willingness of the people to use less needed substitutes (as the government requested), like rye flour and oat meal, by raising exorbitantly the prices of these flours. During a great coal strike, in 1919, Mr. McAdoo, ex-Secretary of the Treasury, startled the country by announcing that the coal mine owners, according to their own income tax reports to the government, had made immense profits the preceding year, many of them over 100 per cent on their entire capital stock (which included vast amounts of "water") and some of them 2000 per cent — at a time too when their workmen at the request of a government board were toiling patriotically for a lower "real wage" than before the war. And Mr. Basil M. Manly, one of the joint chairmen of the War Labor Board,

has since published figures and facts to show that Mr. McAdoo's statement was far too moderate. Quite as outrageous was the profiteering of the meat packers and the steel mills, just when every good citizen was stinting his life so as to buy Liberty bonds—the proceeds from which were being used by the government to purchase the exorbitantly priced goods out of which these companies were making their vile profits. Vast “war fortunes,” too,



AMERICAN AIRPLANES IN MILITARY FORMATION over an aviation field in Texas.

At our entrance into the war our papers boasted that some of our planes would “blind the German giant.” But despite the expenditure of a billion dollars in the enterprise, we failed, during the remaining year and a half of war, to place fighting planes of our manufacture on the front. Reputable engineers have made charges—as yet uninvestigated—that the failure was due to graft as well as to mismanagement.

were made in munitions and in many other lines, and, by common computation, some seventeen thousand “war millionaires” sprang up. Nor has the government proved resolute enough to punish one *big* profiteer.

During the struggle we boasted loudly that this war was being paid for by the rich, not by the workers. It might have been paid for so, if we had “conscripted” the wealth of these war profiteers as zealously as we conscripted the life of our splendid youth for the battle field. As things



are, we justify our boasts very imperfectly by pointing to our system of war taxes. So far we have hardly begun to pay the cost. If we make good our pledge, we must continue *for a generation* to raise most of our national revenue on the same system, or on one that will more effectively reach the war fortunes. But hardly had a new Congress been elected in November of 1920, when a drive of big interests began trying to persuade it to repeal the existing taxes on wealth.

This is perhaps the least important of many signs of reaction since the war. The heaviest cost of war is the spiritual cost. Before the struggle closed, the whole people seemed to have won a vision of a new and better world. We thought we had learned that when a rich family saved its fragments for a later meal, some starving child elsewhere could be fed: that is, we had learned to save, we thought, not for our own pockets alone, but for the general good. We had learned to do our daily work not merely for private gain, but, more, for the well being of our country. We saw clearly that every man who fails to do work useful to society is a parasite, whether tramp or millionaire. We saw that by coöperation, in place of wasteful and outgrown competition, we could increase enormously the productiveness of our labor, and that by wise direction useful work could be found for every willing hand and brain. We saw thousands of cases of inefficiency and of wasted lives, due to defective eyes or teeth or feet, cured at public expense to augment our fighting efficiency, and we began to see that like methods might tremendously augment industrial efficiency in peace, besides making multitudes of lives happier and better. And surely, we thought, when we have won this war, the world will free itself from the crushing cost of vast military establishments with their fatal temptations to new wars.

Lessons like these, it seemed, after being so burned into our lives through the war years, must leave lasting impress. But at the end the world was wearied in spirit as in body. There followed a general slump in morale, and the field was

abandoned for a time (as in all other large countries) to riotous profiteering and shameless self-indulgence. The war mind, with its retrogressive instincts, impelled us to rely on cave-man methods rather than social means to reach our ends. In labor disputes, both parties show a disposition to violence. Labor has attempted general strikes, when the ballot was the proper means of reform; and reactionary heads of capitalistic associations, organized nation-wide against even the old unionism (under color of an "open shop" crusade) and talking openly of using machine guns, seek to create State constabularies to break strikes, Cossack fashion, and, by unscrupulous and costly but eminently effective propaganda, strive to confuse all liberalism with "Bolshevism."<sup>1</sup> Even the Department of Justice, in a ludicrous panic over a handful of revolutionary agitators, stains the fair fame of America as a land of freedom, and multiplies radical discontent as no other factor has been able to do, by denying plain Constitutional rights to American citizens and by extending a vicious spy system to include even the *agent provocateur*.<sup>2</sup> Small wonder that Charles Evans Hughes has declared his fear that the Constitution could not survive another great war.

Such facts are especially painful, when one recalls the liberal tendencies of the Wilson administration in the years 1913-1916. By 1918, that administration had executed an amazing right-about. It is too early to understand the causes adequately; but the fact remains that the President's old *unofficial* progressive advisers were discarded, and that within the Cabinet some liberals (like Secretary McAdoo of the Treasury, long the strongest spirit there) had withdrawn, while Conservatives like Secretaries Palmer and Burleson, formerly quaint figures in a liberal Cabinet,

<sup>1</sup> See especially the unimpeachable evidence of Interchurch Movement's *Report on the Steel Strike of 1919*. The temperate but conclusive proof there of the prostitution of the "public" press to serve despotic purposes of big business touches the deadliest danger in American life.

<sup>2</sup> Evidence is contained in a detailed statement signed by legal authorities of high standing and entitled *Illegal Practices of the Department of Justice* (published at Washington by the National Popular Government League).

had become the dominant forces in it. In some degree, all this may have been connected with a disastrous accident yet to be mentioned.

Mr. Wilson's return from the Peace Congress was followed by a two-year's debate in Senate and country upon the League of Nations. The President insisted vigorously upon ratification of the Covenant without any essential modification. Party discipline brought him the support of all but one or two Democratic senators, but at no time did he have any prospect of the necessary two-thirds vote. All attempts of certain Republican senators to amend the Covenant *radically* failed also. A small body of "irreconcilables" declared against *any* League, arguing with short-sighted selfishness that America was well off and could let the rest of the world look out for itself; but finally a small majority, including most of the Republican senators, added to the Covenant certain reservations as to our interpretation of our obligations under it. Against the President's opposition, however, the necessary two-thirds vote to ratify in this form could not be secured. In the midst of this deadlocked struggle, while on a campaign tour to arouse popular support for the League, the overburdened President suffered a distressing physical collapse, which for many months wholly incapacitated him for public business.

Meantime the country entered the political campaign of 1920. The Republican Convention at Chicago turned down the progressive element represented there, and, with equal decision, the Democratic Convention at San Francisco turned down McAdoo and rejected every part of the progressive program that was urged. Both platforms contained vague progressive promises; but these were merely the usual tactical maneuvers. The machinery of both parties, it was plain, was controlled overwhelmingly by reactionary elements.

Officially both parties declared the League the main issue. But the people were confused by the Republican candidate's conflicting attempts to conciliate both Moderate



Reservationists and Irreconcilables within his party, and, except for a small class of intellectuals, they had mainly lost interest in that question anyway. They were much more concerned at the unbridled orgy of profiteering and the perilous increase in the cost of living; and progressive elements were deeply offended by recent reactionary policies. There was, to be sure, no assurance whatever of betterment in either matter from a change of parties, but the people were minded at least to punish the party just then most directly responsible; and the result was a landslide Republican victory, with the election of Warren G. Harding.

Our story closes in a period of stress. America is not wholly free from danger that frantic reaction may bury progress beyond resurrection, or that ignorant revolution may destroy the possibility of wholesome progress. But men of faith will work that our children may yet achieve the promised land whereof we caught gleaming visions through the war wrack — a world “safe for democracy” and “fit for heroes.” If civilization is to be saved from world-wide collapse, there must be built a new world order, based not on international rivalry but on human fraternity and solidarity; and, just as surely, within each nation must we build a new social order based not upon competition and class struggles but upon brotherhood, — on a planned and democratic coöperation in industry for the common good.

Not at a leap may we reach such a goal. But the man to serve the world is he who sets his face resolutely toward the goal and withholds all aid to measures that make it more difficult to attain. The story of America's past is worth while so far as it points us to a nobler America of the future — so far as it gives us robust faith that the nation which rallied so splendidly to save our country and the world in war time will not long fail in time of peace.

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Unexpected delays in publication make it possible to add a paragraph of optimism for the future. The early work

of the Disarmament Conference at Washington in the autumn of 1921 gives evidence that the hope of progress expressed above is on the way toward realization.

# APPENDIX

## THE FEDERAL CONSTITUTION

(Recommended by the Philadelphia Convention to the States, September 17, 1787; ratified by the ninth State, June 21, 1788; in effect, April 30, 1789. The text is that printed in the *Revised Statutes* (1878), except for (1) the footnote references, and (2) the brackets used in a few instances to inclose portions of the document no longer effective. Interpolated matter, in the same type as this paragraph, is placed within marks of parenthesis.)

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

### ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers [which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years], and excluding Indians not taxed, [three fifths of all other Persons]. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.<sup>1</sup> The number of Representatives shall not exceed one for every thirty Thousand,<sup>2</sup> but each State shall have at Least one Representative.

<sup>1</sup> The first census was taken in 1790, and one has been taken in the closing year of each decade since.

<sup>2</sup> The First Congress made the number 33,000. It is now (1920) 193,284.



When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen [by the Legislature thereof,] for six Years; and each Senator shall have one Vote.

[Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year], so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]<sup>1</sup>

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of the President of the United States

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Section 4. The Times, Places, and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations [except as to the Places of chusing senators].

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Mem-

<sup>1</sup> See Seventeenth Amendment.

bers for disorderly Behaviour, and, with the Concurrence of two thirds, expel a member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections, to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.<sup>1</sup>

<sup>1</sup> The veto provision in the Massachusetts Constitution of 1780 ran: —

“Article II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whatsoever the same shall have originated, who shall enter the objections sent down by the governor, at large,

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the Credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

on their records, and proceed to reconsider the said bill or resolve; but if after such reconsideration, two thirds of the said senate or house of representatives shall, notwithstanding the objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two thirds of the members present, shall have the force of law; but in all such cases, the vote of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve shall be entered upon the public records of the Commonwealth.

"And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of law."

The "pocket-veto" clause (the last provision of the text above) was original in the Federal Constitution.



To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress:

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. [The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.]

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct,<sup>1</sup> Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Laws; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

<sup>1</sup> Modified by the Sixteenth Amendment.

No State shall, without the consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representative, open all the Certificates, and the Votes shall then be counted. The Person having the greatest number of Votes shall be the President, if such number be a Majority of the whole number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote . . . In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there shall remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]<sup>1</sup>

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or In-

<sup>1</sup> Superseded by Twelfth Amendment, which might well have been *substituted* for this paragraph in the body of the document.

ability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.<sup>1</sup>

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.<sup>2</sup>

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect, and defend the Constitution of the United States.”

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be

<sup>1</sup> In 1792 Congress provided that the president pro tem of the Senate should be next in succession, and after him the Speaker of the House. In 1886 (Jan. 19), this undesirable law was supplanted by a new one placing the succession (after the Vice President) in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, Secretary of the Interior.

<sup>2</sup> What is the antecedent of “them”? The salary of George Washington was fixed by the First Congress at \$25,000. This amount remained unchanged until 1871, when it was made \$50,000. In 1909 the salary was raised to \$75,000. Large allowances are made also, in these latter days, for expenses of various sorts, — one item of \$25,000, for instance, for traveling expenses, — which is the reason the salary is commonly referred to as \$100,000.



faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President, and all civil Officers of the United States shall be removed from office on Impeachment for, and conviction of, Treason, Bribery, or other high Crimes and Misdemeanours.

### ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Cases affecting Ambassadors, other public Ministers and Consuls; — to all Treaties made, or which shall be made, under their Authority; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — between a State and Citizens or another State<sup>1</sup>; — between Citizens of different States, — between Citizens of the same State claiming lands under Grants of different States, — and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

(On the appellate jurisdiction, cf. pages 395, 396. Section 25 of the Judiciary Act of 1789, still in force, defines that jurisdiction as follows:

*"And be it further enacted,* That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, when is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or when is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground

<sup>1</sup> Limited by the Eleventh Amendment to cases *begun* by a State.

of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of such their validity; or when is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed . . . under such clause of the said Constitution, treaty, statute, or commission, may be re-examined, and revised or affirmed in the Supreme Court of the United States upon a writ of error . . .”

The “inferior courts” at present (1920) are, from the bottom up:—

1. *District Courts.* Over ninety. The law of 1789 provided for thirteen.

2. *Circuit Courts.* Nine, each three justices. The first law, 1789, provided three circuit courts, but no special circuit judges; a circuit court then consisted of a justice of the Supreme Court “or circuit” and one or more judges of district courts included within the circuit. This remained the rule with a brief attempt at change in 1801, until 1866, when separate circuit justices were provided.

3. *Circuit Courts of Appeals.* One for each of the nine circuits, composed of a justice of the Supreme Court and of other Federal judges—not less than three in all, and not including any justice from whose decision the appeal is taken. This order of courts was instituted in 1891, to relieve the Supreme Court which was then hopelessly overburdened with appeals from lower courts. In most cases the decision of a circuit court of appeals is final.

4. *The Supreme Court.* One Chief Justice and eight Associate Justices. Its business now is confined very largely to those supremely important matters specified in the Constitution and in the law of 1789 quoted above.

There are also two special courts, somewhat outside this system: (1) the *Federal Court of Claims*, to determine money claims against the United States, established in 1855; (2) *Court of Customs Appeals*, established in 1909.)

## ARTICLE IV

**Section 1.** Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

**Section 2.** The Citizens of each State shall be entitled to all Privileges and immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof escaping into another, shall, in Consequence of any Law or Regulation therein,

be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due].<sup>1</sup>

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided [that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and] that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

<sup>1</sup> Superseded, so far as slaves are meant, by the Thirteenth Amendment.



## ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

## AMENDMENT

[i]<sup>1</sup>

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[ii]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[iii]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by Law.

[iv]

The right of the people to be secure, in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[v]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[vi]

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

<sup>1</sup> Originally, the first twelve amendments were not numbered in the official manuscript.

[vii]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[viii]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[ix]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[x]<sup>1</sup>

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

[xi] (1798)

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[xii] (1804)

The Electors shall meet in their respective State, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the numbers of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; — The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next

<sup>1</sup> These first ten amendments were in force after November 3, 1791.

following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

## xiii (1865)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

## xiv (1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or



obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

xv (1870)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

xvi (1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the States, and without regard to any census or enumeration.

xvii (1913)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

xviii (1919)

Section 1. After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. (Declares the article inoperative unless ratified within seven years.)

xix (1920)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have power by appropriate legislation to enforce the provisions of this article.

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